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*Washington, Wednesday, October 5, 1949*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1923, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

RECREATION INTERNS AND MEDICAL RECORD STUDENTS AND INTERNS

The Commission has determined that the positions of recreation interns, medical record students and medical record interns, U. S. Public Health Service, should be excluded from the provisions of the Federal Employees Pay Act and the Classification Act, and has prescribed maximum stipends for these positions. Effective as of October 1, 1949, these positions are added to the lists of positions in § 27.1 and § 27.2, as follows:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* In accordance with the provisions of section 1 and section 2 of Public Law 330, 80th Congress, approved August 4, 1947, the following positions, in addition to those specifically excluded by section 1 and section 2 of such law, are excluded from the provisions of the Federal Employees Pay Act of 1945 (Pub. Law 106, 79th Cong.), as amended, and the Classification Act of 1923, as amended and extended (5 U. S. C., ch. 13):

* * * * *

Recreation interns, U. S. Public Health Service, one year approved post graduate training.

Medical record students, U. S. Public Health Service, one year approved training after two years college level training.

Medical record interns, U. S. Public Health Service, one year approved training after a minimum of three years college level training.

§ 27.2 *Maximum stipends prescribed.* In accordance with the provisions of section 3 of Public Law 330, 80th Congress, approved August 4, 1947, the following maximum stipends (including overtime pay, maintenance allowances, and other payments in money or kind), except as otherwise provided in § 27.3 are hereby prescribed:

* * * * *

Recreation interns—U. S. Public Health Service:

One year approved post graduate training, $1,470.

Medical record students—U. S. Public Health Service:

One year approved training, after two years college level training—no stipend other than any maintenance provided.

Medical record interns—U. S. Public Health Service:

One year approved training, after a minimum of three years college level training, $1,340.

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
*Chairman.*

[F. R. Doc. 49-7999; Filed, Oct. 4, 1949; 8:48 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Export and Diversion Programs**

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED FRUIT EXPORT PROGRAM (FISCAL YEAR 1950)

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FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

AUTHORITY: §§ 518.101 to 518.121 issued under sec. 32, 49 Stat. 774, as amended, sec. 112 (f), Pub. Law 472, 80th Cong., 62 Stat. 137; 7 U. S. C. and Sup. 137.

§ 518.101 *General statement.* In order to encourage the exportation of dried fruit produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, and section 112 (f) of the Foreign Assistance Act of 1948, offers to make payments to United States exporters upon the terms and conditions stated herein.

§ 518.102 *Commodities included.* The dried fruits covered by this offer are limited to dried prunes of size 30/40 or smaller and raisins of the Thompson Seedless and Sultana varieties.

§ 518.103 *Approved countries.* An approved country shall be any one of the following countries, including any dependent area under the administration of any such country:

Austria, Belgium, Denmark, Eire, France, Germany, Bi-Zone, Germany, French Zone, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland, Trieste, United Kingdom.

§ 518.104 *Rate of payment.* The rate of payment shall be the applicable percentage of the gross sales price per unit of weight specified in the following list (computed before deduction of the rate of payment to be made to the exporter under this offer), basis free-along-ship, United States port, as determined by the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, (hereinafter referred to as the Director).

| *Commodity* | *Rate of payment in percent* |
|---|---|
| Dried prunes, in bulk: | |
| Sizes 30/40 to 50/60, inclusive | 30 |
| Sizes 60/70 to 100/120, inclusive | 40 |
| Dried prunes, in cartons containing 2 pounds net weight, or less | 25 |
| Raisins, in bulk or cartons: | |
| Thompson seedless, natural (sun-dried) | 40 |
| Thompson seedless, bleached | 50 |
| Sultana, natural (sundried) | 40 |

§ 518.105 *Net price to foreign buyer.* The net invoice price per unit of weight charged to the buyer shall be established by deducting the rate of export payment under this offer from the gross sales price for such unit of weight. If an exporter sells to the buyer at a price which does not reflect the export payment and provides that he will remit to the buyer the amount of the export payment upon approval by the Director of such export payment under this program, such a sale made after the effective date hereof will qualify for export payment under this offer if the Director determines that it was made in good faith and that it otherwise complies with, and did not evade, the provisions of this offer, subject to the condition, however, that proof of such remittance by the seller shall be submitted to the Director prior to the making of the export payment with respect to such sale. To enable the Director to approve the export payment, the exporter shall submit all proof required pursuant to § 518.113, except proof of the making of the remittance, and one fully prepared but unsigned copy of the voucher for payment. After approval by the Director, the exporter shall submit proof of the making of the remittance and an original and three copies of a signed voucher in accordance with § 518.113. A statement by the exporter that at the request of the foreign buyer he has set up on his books a credit in favor of such buyer, accompanied by a certified copy of the foreign buyer's request for such credit and of the exporter's notice to the foreign buyer of the setting up of such credit, will be deemed to be equivalent to proof of remittance.

§ 518.106 *Persons eligible for payment.* Any United States exporter, except as provided in § 518.107, may become eligible for payments under this offer by executing and filing an application for participation in the program with the Director. Such application must be approved by the Director before the exporter is eligible for payment under this program. The application should be filed by the exporter not later than 30 calendar days after he makes the first sale upon which he submits a claim for export payment under this program. The Director reserves the right to withdraw approval of the application of any exporter at any time by written notice to him and such exporter thereafter shall be ineligible for payments under this offer until and unless his application is reapproved: *Provided,* That such withdrawal shall not apply to any sale for export made before the effective time and date of such withdrawal.

§ 518.107 *Persons not eligible for payment.* (a) Payments under this offer will not be made (1) on sales for export to any department, agency, or establishment of the United States Government administering any law providing for the furnishing of assistance or relief to foreign countries or (2) to any United States private relief agency. However, payment may be made to Commodity Credit Corporation on account of sales to any such department, agency, or establishment pursuant to section 112 (e) of the Foreign Assistance Act of 1948 in accordance with agreements, contracts, or memoranda of understanding between Commodity Credit Corporation and any such department, agency, or establishment.

(b) No member of or delegate to Congress, or resident Commissioner shall be admitted to any share or part of any contract resulting from this offer or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made to a corporation for its general benefit.

§ 518.108 *Period for making sales.* No payment under this program will be made in connection with any sale for export unless the sales contract was entered into on or after the effective date hereof and prior to 12 o'clock midnight, eastern standard time, May 31, 1950.

§ 518.109 *Period for exportation.* Exportation from the United States in fulfilment of sales meeting the requirements of this offer shall be accomplished on or after the date of such contract and prior to 12 o'clock midnight, eastern standard time, June 30, 1950: *Provided, however,* That upon request by the exporter indicating his reasons therefor, the Director may, if he deems it desirable, grant an extension of time for exporting such dried fruit.

§ 518.110 *Period for filing claims.* The exporter shall file claim for payment hereunder with the Director not later than July 31, 1950: *Provided, however,* That upon request of the exporter indicating his reasons therefor, the Director may, if he deems it desirable, grant an extension of time for such filing.

§ 518.111 *Re-entry into the United States.* In the event of re-entry (in the form of dried fruit, including damaged dried fruit or salvage therefrom) into the United States or its territories or possessions of any quantity of dried fruit upon which payment has been made to an exporter under this offer, such exporter shall refund to the Director the payment made with respect to such quantity.

§ 518.112 *Minimum grade and inspection.* Packed processed dried prunes exported under this offer shall meet the minimum grade permitted to be marketed pursuant to the Federal marketing agreement and order governing the handling of dried prunes produced in California; packed processed raisins exported under this offer shall meet the minimum grade specified in Exhibit B of the Federal marketing agreement and order governing the handling of raisins produced from raisin variety grapes grown in California; and natural condition dried fruit exported under this offer shall meet minimum grade requirements approved by the Director. All such dried fruit shall be inspected not more than 10 calendar days prior to shipment from the packing plant or warehouse of the person placing such dried fruit in the current of interstate or foreign commerce by an inspector authorized by the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California, or by a person authorized by such other agency as the Director may designate.

§ 518.113 *Proof of claim.* (a) Each claim for payment shall be filed in an original and three copies on voucher form FDA–564 with E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C., or R. M. Walker, 2180 Milvia Street, Berkeley, California, whichever is nearest to the exporter filing the claim. Each claim shall be supported by (1) two certified copies of the sales contract, (2) two copies of the ocean-on-board bill of lading, under which the dried fruit was exported, signed by an agent of the steamship company, (3) the original and one copy of the inspection certificate required in § 518.112, (4) where applicable, proof of remittance in accordance with § 518.105, and (5) such other documents as may be required by the Director evidencing sale and exportation of the dried fruit on which payment is claimed. An exporter can comply with the requirement

with respect to inspection certificates, by filing a duplicate original inspection certificate signed by the inspector who issued it and one copy of such inspection certificate.

(b) Each sales contract shall show the date of sale, the price per unit of weight charged to the buyer (specifying whether gross price pursuant to § 518.104 or net price after deduction of the rate of payment and showing the f. o. b. plant, f. a. s. United States port, c. i. f. foreign port, or other basis of such price), the quantity (net weight) of each kind of dried fruit sold, and the country of destination. An exporter who sells to a foreign buyer on a price basis other than free-along-ship, United States port, shall certify on the copies of the sales contract accompanying his claim, or on a statement attached thereto, the gross price in cents per pound, f. a. s. United States port, which is the equivalent of the price invoiced to the buyer, and shall show in such certification the charges on the basis of which such f. a. s. price is computed from the price invoiced to the buyer. Such certification shall be signed by a person authorized to represent the exporter in such matter but need not be notarized.

(c) Each ocean-on-board bill of lading shall show the number of boxes, markings, and weight of each kind of dried fruit, the date and place of loading on vessel, the name of the vessel, the destination of the dried fruit, and the name and address of both the person exporting the dried fruit and the person to whom it is shipped. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the sales contract, the exporter shall furnish with his claim a waiver by such shipper or consignor of any right to claim payment under this program for exportation of the quantity of dried fruit covered by such bill of lading. If the bill of lading shows the name of a person different from that appearing as the buyer on the contract under which the bill of lading is made, the exporter shall accompany his claim on the exportation covered by such bill of lading with a certification that the shipment under that bill of lading is to the buyer named in the contract and is made pursuant to that contract.

§ 518.114 *Records and accounts.* Each exporter shall maintain accurate records showing the quantities, sales prices, and deliveries of dried fruit exported or to be exported in connection with this offer. Such records, accounts, and other documents relating to any transaction in connection herewith shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved until May 31, 1952.

§ 518.115 *Reports.* Each exporter whose application to participate in this program has been approved shall file with E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C., or R. M. Walker, 2180 Milvia Street, Berkeley, California, whichever is nearest to such exporter, a sales report in triplicate, covering the first 15 days of each calendar month and a separate sales report, in triplicate, covering the remainder of each such month. Each such report shall show with respect to each sale made pursuant to this program during the period covered by such report, (a) the quantity of each kind of dried fruit sold for export, (b) the gross sales price free-along-ship, United States port, (c) the country of destination of such fruit, and (d) the contract number of seller's reference number of such sale. In the event that the exporter has made sales which cannot be reported individually within the period provided for such reporting, he shall report the aggregate quantity covered by such sales together with such other information as is required by this section and is then available to him with respect to such sales and shall make such notation as will indicate that he is reporting a compound sale. Thereafter, as soon as the information required by this section is available with respect to the sales so compounded, the exporter shall file a supplementary report identifying the compound sale previously reported and showing, for each sale included in such compound sale, the information required by this section. Each report other than a supplementary report shall be made by telegram dated or letter postmarked not later than the fifth day following the end of the report period to which it refers. Except with respect to reports made by telegram, such reports shall be made in the form prescribed by the Director. If filed by telegram, a report in the prescribed form, confirming such telegram, shall be forwarded promptly thereafter by mail. Failure of any exporter to file such report for any period shall be deemed to indicate that such exporter made no sales for export under this program during such period. In the discretion of the Director, payment hereunder may be refused in connection with any sale not reported in accordance with this section. The exporter shall furnish such further information and reports as the Director may request, subject to the approval of the Bureau of the Budget.

§ 518.116 *Set-off.* The Director may set off, against any amount owed to any exporter hereunder, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 518.117 *Assignment.* No exporter shall, without the written consent of the Director, assign any right of the exporter against the Secretary hereunder or make a lienholder a joint payee with respect to any such right. With such consent, an exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, any claim for payment hereunder, or make a lienholder a joint payee with respect to any such claim: *Provided,* That no such assignment or provision for joint payee shall affect or waive the right of the Director to set-off, pursuant to § 518.116, against any such claim.

§ 518.118 *Amendment.* This offer may be amended by the Director at any time upon public announcement of such amendment: *Provided,* That, with respect to (a) any amendment of the rate of payment, (b) a shortening of the period for making eligible sales hereunder, or (c) the removal of any dried fruit, or type or size thereof, from this offer, 10-days' notice of such amendment shall be given by public announcement. Notice of any such amendment will be transmitted promptly to every exporter participating in the program as reflected by the records of the Fruit and Vegetable Branch. An amendment shall not be applicable to any sale for export which was made before the effective time and date of such amendment.

§ 518.119 *Termination.* This offer may be terminated by the Director at any time upon not less than 10 days' notice by public announcement of such termination. Notice of such termination will be transmitted promptly to every exporter participating in the program as reflected by the records of the Fruit and Vegetable Branch. Any such termination shall not be applicable to any sale for export made before the effective time and date of such termination.

§ 518.120 *Definitions.* As used in this offer, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, or any authorized representative of the Secretary within such Branch to whom the Director has subdelegated authority to perform the functions herein delegated to him.

(c) "Exporter" means any individual, corporation, partnership, association, or other business entity engaged in the business of selling for export dried fruit produced in the continental United States.

(d) "Bleached" means produced by soda-dipping, with or without oil, and with or without sulphuring, whether sundried or artificially dehydrated.

(e) "Sale" or "sales contract" includes a contract to sell, and the contract shall consist of a written instrument signed by buyer and seller or a written offer and acceptance evidenced by an exchange of telegrams, cablegrams, or letters.

(f) "Date of sale" means the date of signing by both buyer and seller of a written contract or the date of written acceptance of a written offer or counter offer to buy or sell, except that, where the contract is signed or the acceptance takes place in the period beginning on the date of this offer and ending on May 31, 1950, but the contract or acceptance is intended to take effect either before or after such period, the date of sale shall be the date on which the contract or acceptance is intended to take effect, as determined by the Director.

(g) "Public announcement" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

§ 518.121 *Information and forms.* Information pertaining to the operation of this program and forms prescribed

for use thereunder can be obtained from the following:

E. M. Graham, U. S. Department of Agriculture, Fruit and Vegetable Branch, Washington 25, D. C.

R. M. Walker, 2180 Milvia Street, Berkeley, California.

Chester A. Hallnan, Room 620, 90 Church Street, New York 7, New York.

*Effective date.* This offer shall be effective at 12:01 a. m., e. s. t., October 1, 1949.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 28th day of September 1949.

[SEAL] S. R. SMITH,
*Authorized Representative of the Secretary of Agriculture.*

[F. R. Doc. 49-8009; Filed, Oct. 4, 1949; 8:50 a. m.]

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**Subchapter C—Loans, Purchases, and Other Operations**

[1949 C. C. C. Peanut Bulletins 1, 2, 8, Supp. 1]

PART 646—PEANUTS

SUBPART—1949 SUPPORT PRICES

*Correction*

Federal Register Document 49-7619, appearing on page 5760 of the issue for Wednesday, September 21, 1949, as corrected in the issue for Friday, September 23, 1949, is further corrected as follows:

The first column of the table should read:

| Sound mature kernels [1] |
|---|
| *Percent* |
| Above 70 |
| 70 |
| 69 |
| 68 |
| 67 |
| 66 |
| 65 |
| Below 65 |

# TITLE 7—AGRICULTURE

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

**Subchapter E—Determination of Sugar Commercially Recoverable**

[Sugar Determination 831.2]

PART 831—BEET SUGAR AREA

1949 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, the following determination is hereby issued:

§ 831.2 *Determination of sugar commercially recoverable from sugar beets.* The amount of sugar, raw value, commercially recoverable from sugar beets shall be deemed to be as follows:

(a) In the case of sugar beets marketed under that type of agreement commonly known as an "individual test" contract, 92.77 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the percentage of sugar content on which the settlement under the marketing contract is based;

(b) In the case of sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in Colorado, Idaho, Montana, Oregon, Utah, Washington or Wyoming, 95.23 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the weighted average percentage of sugar content of all the sugar beets of the next preceding 7 crops marketed in the settlement area comprising such district, according to cossette tests made by the processor; and

(c) In the case of sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in any State not named in paragraph (b) of this section, 95.23 percent of the amount of sugar calculated by applying to the net weight of sugar beets, at the time of delivery to a processor, the average percentage of sugar content of all the sugar beets of the current crop marketed in the settlement area comprising such district, according to cossette tests made by the processor.

This determination supersedes, with respect to the 1949 and subsequent crops, the determination entitled "Determination of Sugar Commercially Recoverable from Sugar Beets (Revision 2)," issued October 15, 1948. (13 F. R. 6141)

STATEMENT OF BASES AND CONSIDERATIONS

*Sugar Act requirements.* Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302 (a) of the act for the purpose of establishing the amounts of sugar upon which payments under the act may be made.

*General basis of determinations.* Under the determinations effective for the crops of 1937 through 1947, the amount of sugar commercially recoverable from sugar beets was based on (a) the net weight of sugar beets, (b) the percentage of sugar content of the beets, and (c) a stated percentage reflecting the average rate of sugar recovery obtained by the beet sugar industry during a representative prior period.

Recovery of sugar from sugar beets declined substantially during the war emergency period. However, this decline was due in part to limitations imposed by the government during those years, and consequently the payments on the crops of 1943 through 1947 were based on the average rate of recovery obtained during the prewar period of 1937-41. It became apparent following this war emergency period that factors other than governmental limitations were contributing to reduced recoveries of sugar. Therefore, a revised determination was issued, effective with the 1948 crop, providing for a moderate downward adjustment in the former rate of recoverability. A change was also made with respect to the percentage of sugar content to be used in certain sugar beet settlement areas for the purpose of accelerating payments. This determination provides for a further downward adjustment in the percentage rate of recovery.

*Recovery rates.* The average rate of recovery for the crops of 1937 through 1941 was 90.57 percent (refined sugar basis). The rates of recoveries obtained from the crops produced in the war period declined to a low point of 85.01 percent for the 1945 crop. This decline was attributable to a number of factors including (a) the production of a relatively large amount of molasses and correspondingly less sugar, as the result of wartime conditions, (b) the scarcity of labor, materials and equipment, and (c) changes in the methods of harvesting, delivering and storing sugar beets. The extraction rate for the 1946 crop showed an upturn to a level of 85.44 percent. The upturn continued for the 1947 and 1948 crops, with rates of 86.51 and 87.60, respectively.

Although the rates of recoveries for recent crops increased steadily, the upturn toward former levels has been slower than contemplated. The determination applicable to the 1948 crop established a rate of recoverability based on 89.84 percent extraction, whereas the actual recovery from this crop was substantially below that level. It is likely that the advance sale of a large part of the 1948 beet molasses production at relatively favorable prices tended to hold the recovery rate below the optimum level. Moreover, the recovery rate was influenced by the low quality of the crop—the lowest percentage of sugar content recorded since 1930.

Indications are that the price relationship between molasses and sugar will favor the production of a maximum quantity of sugar from the current crop. The quality of the 1949 crop is expected to be at least normal. Under these circumstances, it appears reasonable to assume that the upward trend in the rates of recoveries from recent crops will continue for the 1949 crop. The increase in the recovery rate for the 1947 crop over the 1946 crop was 1.07 percentage points, while the 1948 crop reflected a further increase of 1.09 points. A continuation of this trend at the average increase for the past two crops would result in a rate of 88.68 percent for the 1949 crop. Furthermore, since the sugar content of the 1946, 1947 and 1948 crops was subnormal, the recovery rate for each of these crops would have been somewhat higher if the crops had been normal in quality. Accordingly, the projected rate for the 1949 crop has been adjusted to reflect rates of recoverability which would have been obtained at normal levels of sugar content. The adjusted rate of 89.00 percent has been converted to "raw value" equivalent by the factor 1.07, resulting in a commercially recoverable rate of 95.23 percent to be applied to sugar beets which are tested for sugar content only at the time of processing. The rate of 92.77 percent, applicable to beets which are tested at the time of delivery to a processor, is computed by dividing 89.00 percent by 1.0265, to reflect the 1943-47 average shrink in sugar content of beets between the time of delivery and the time of proc-

essing, and then multiplying the result by 1.07 to convert the rate to raw value equivalent.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 30th day of September 1949.

[SEAL] A. J. LOVELAND,
*Acting Secretary.*

[F. R. Doc. 49-8011; Filed, Oct. 4, 1949; 8:50 a. m.]

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**Subchapter F—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments**

[Sugar Determination 845.1]

## PART 845—MAINLAND CANE SUGAR AREA

### 1949 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 303 of the Sugar Act of 1948, the following determination is hereby issued:

§ 845.1 *Normal yields of commercially recoverable sugar per acre and eligibility for payment with respect to acreage abandonment and crop deficiencies for sugarcane farms in the Mainland cane sugar area.* (a) The normal yield of each sugarcane farm in the Mainland cane sugar area shall be established for the 1949 and each subsequent crop year as follows:

(1) For a farm on which sugarcane was planted in more than two years of the applicable base period, as defined in subparagraph (4) (ii) of this paragraph, the normal yield shall be the simple average of all the annual average yields for the farm, as defined in subparagraph (4) (i) of this paragraph, for such crop years.

(2) For a farm on which sugarcane was planted in only one or two years of the applicable base period, the normal yield shall be the product of the county normal yield of sugar per acre, as defined in subparagraph (4) (iv) of this paragraph, and the percentage obtained by dividing the simple average of the annual average yields for the farm for such year or years by the simple average of the county average yields of sugar, as defined in subparagraph (4) (iii) of this paragraph, for such year or years, except that the normal yield for such farm shall be not less than 80 percent nor more than 120 percent of the county normal yield.

(3) For a farm on which no sugarcane was planted in any year of the base period, the normal yield shall be 90 percent of the county normal yield.

(4) *Definitions.* (i) The "annual average yield for the farm" shall mean the average yield in hundredweight of sugar commercially recoverable per planted acre of proportionate share sugarcane (excluding seed sugarcane) for each crop year of the base period as computed from the production record applicable to all of the land constituting the farm in the crop year for which the normal yield is established. Such production record shall be the actual record wherever available, otherwise it shall be the production record established for such land by the local County Agricultural Conservation Committee, in accordance with instructions issued by the Production and Marketing Administration. "Planted" acres as used herein shall mean acres from which sugarcane was harvested and marketed for the extraction of sugar and bona fide abandoned acres.

(ii) "Base period" shall mean the crop years specified below for the designated crop year.

| Crop year: | *Base period (crop years)* |
|---|---|
| 1949 | 1945, 1946, and 1948. |
| 1950 | 1945, 1946, 1948, and 1949. |
| 1951 | 1945, 1946, 1948, 1949, and 1950. |
| 1952 | 1946, 1948, 1949, 1950, and 1951. |

(iii) For each year of the applicable base period, the "county average yield" shall mean the weighted average hundredweight of sugar commercially recoverable per planted acre from all proportionate share sugarcane (excluding seed sugarcane) in the county, except that if the total number of farms or parts of farms producing such sugarcane was less than five for any such year, the county average yield for such year shall be the yield established by the State PMA Committee on the basis of the yield which could have been reasonably expected that year in such county.

(iv) The "county normal yield" shall mean the simple average of the county average yields for all the years of the applicable base period for which county average yields are established on the basis of five or more farms or parts of farms, except that if county average yields are not so established for three or more years of the applicable base period, the county normal yield shall be the yield established by the State PMA Committee on the basis of the average yield which could have been reasonably expected in the county during the applicable base period.

(b) *Eligibility for abandonment and deficiency payments.* The County Agricultural Conservation Committee shall approve for abandonment and deficiency payments any farm located in whole or in part in a county or local producing area, as defined herein, in which the actual yields of commercially recoverable sugar from 10 percent or more of the acreage planted to sugarcane on all farms or parts of farms in such county or local producing area, were not in excess of 80 percent of the applicable normal yields: *Provided*, That (1) such acreage abandonment or crop deficiency was directly due to drought, flood, storm, freeze, disease or insects, (2) the acreage that was abandoned or the acreage with respect to which there was a crop deficiency was suitable for the production of sugarcane and was cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane, and (3) the other conditions for payment specified in Title III of the act with respect to the farm have been met. Such approval on the application for payment by a member of the County Agricultural Conservation Committee on behalf of such committee shall constitute determination that such farm is eligible for abandonment and deficiency payments.

A "local producing area" shall include all contiguous, or nearby farms or parts of farms which are similar with respect to types of soil or with respect to topography, as determined by the Agricultural Conservation Committee for the county in which the farm is located: *Provided, however*, That farms separated from other farms by any natural barrier or large area of land shall not be included within the same local producing area.

This determination supersedes with respect to the 1949 and subsequent crop years the determination of "Normal Yield of Commercially Recoverable Sugar per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Farms in the Mainland Cane Sugar Area (Revised)," issued August 28, 1945 (10 F. R. 11104), and the determination of "Normal Yields of Commercially Recoverable Sugar per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Sugarcane Farms in Florida in 1947 and Subsequent Crop Years," issued December 8, 1947 (12 F. R. 8333).

### STATEMENT OF BASES AND CONSIDERATIONS

*Requirements of the Sugar Act.* Section 303 of the act authorizes the Secretary to make payments to producers of sugarcane with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage under certain conditions. The payments are based on normal yields of commercially recoverable sugar as established for individual farms under determinations issued by the Secretary.

*Historical background.* Normal yields for farms in the Mainland cane sugar area have been based heretofore on the average yields of commercially recoverable sugar obtained per acre during base periods consisting of a number of crop years (usually three) deemed to be representative of the yields to be expected under normal conditions. The crop years selected were not necessarily consecutive nor were they always the most recent.

*Current situation.* In recent years the yields of sugar per acre in both States have declined significantly. Consequently, the yields obtained in the former base periods are no longer representative. The decline has been due in part to the increased use of machinery in harvesting the crop. Sugarcane cut and loaded with mechanical equipment has contained greater quantities of trash and dirt than that harvested by hand. Moreover, a larger proportion of the cane has become stale between the time of cutting and the time of processing.

*Base periods.* The use of fixed base periods covering selected crop years does not adequately reflect changes in yields. It also tends to benefit those producers who obtained abnormally high yields in the selected base years, while the effect is the reverse as to those producers who obtained subnormal yields in the base years. It is believed that the use of moving base periods will reflect current changes more adequately, will assure equitable treatment among all producers, and will provide a sounder basis for the

computation of acreage abandonment and crop deficiency payments. The situation requires a gradual transition to a five-year moving base period, because of the heavy workload which would result for county offices in Louisiana in determining and accumulating production data applicable to approximately 6,000 sugarcane farms of which about 20 percent are reconstituted in area annually. The crop year 1947 has been excluded because that crop was so subnormal that its inclusion in a relatively short base period would not give reasonably representative results.

*Computation of farm normal yields.* The normal yield for each farm having a sugarcane production record for more than two years of the applicable base period will be computed by averaging the annual yields obtained on the farm within such period. Accordingly, the normal yield for such a farm will represent the average yield for three, four, or five years, depending upon the length of both the record and the base period.

The former determination provided that if sugarcane was not harvested on the farm during each year of the base period, the normal yield was based upon the yields for farms in the vicinity without regard to the farm's production record. In some cases this resulted in the establishment of normal yields which were not realistic. However, the present determination provides that if sugarcane was produced in only one or two years of the base period, the percentage relationship of the yield for the farm to the county average yield for the corresponding year or years is computed, and the normal yield is related to the county normal yield. If no sugarcane was harvested from the farm during the base period, the normal yield is established at 90 percent of the county normal yield. It is likely that the yields obtained on most farms producing sugarcane for the first time will fall below the yields of other sugarcane farms.

The former determination also provided for the computation of the normal yields for reconstituted farms by using the normal yields as calculated for parts of the farm and weighting such normal yields by the acreage of cane on each such part in the preceding crop year. Since this provision was applicable to a few, but not all farms which were made up of several parts, it has been eliminated from this determination and the normal yields for reconstituted farms will be determined from the production records within the base period applicable to all of the land constituting such farms. The actual records will be used whenever available, otherwise the production records will be established for the land in accordance with instructions issued by the Production and Marketing Administration.

*Eligibility for abandonment and deficiency payments.* The provisions regarding eligibility for these payments have been in effect for several years and have proven to be entirely satisfactory. The revision of other provisions of the determination will in no way affect the workability of these provisions. Accordingly, no changes are deemed to be necessary.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the provisions of section 303 of the Sugar Act of 1948.

(Sec. 303, 61 Stat. 930; 7 U. S. C. 1133)

Issued this 30th day of September 1949.

[SEAL] A. J. LOVELAND,
*Acting Secretary.*

[F. R. Doc. 49-8012; Filed, Oct. 4, 1949; 8:50 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

### PART 20—PILOT CERTIFICATES

### PART 52—REPAIR STATION RATING

REPRINTING UNDER NEW NUMBERING SYSTEM

*Correction*

In Federal Register Document 49-5876, appearing in Part II of the issue for Saturday, July 16, 1949, the following corrections should be made:

1. In § 20.36 an undesignated paragraph should appear following paragraph (a) (5), as follows:

§ 20.36 *Aeronautical skill.* * * *
(a) *Powered aircraft.* * * *
(5) * * *

Any of the maneuvers required by this section may be modified or eliminated if such action is appropriate to the characteristics of the aircraft used in the test and appropriate operation limitations are entered on the rating record.

2. In § 52.18, the introductory text of paragraph (b) should read as follows:

§ 52.18 *Foreign repair station certificate and ratings.* * * *

(b) The applicant shall meet the requirements of this part, except that in lieu of complying with §§ 52.2 (a), 52.22, and 52.23, the applicant shall:

* * * * *

# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

### Subchapter C—Office of International Trade

[4th Gen. Rev. of Export Regs., Amdt. 39]

### PART 371—GENERAL LICENSES

MISCELLANEOUS AMENDMENTS

Part 371, General Licenses, is amended in the following particulars:

1. Section 371.11 *Personal baggage and personal effects BAGGAGE* is amended to read as follows:

§ 371.11 *Personal baggage and tools of trade—*(a) *Personal baggage license—*(1) *General provisions.* A general license designated BAGGAGE is hereby established, authorizing a person leaving the United States, but not including members of crews on vessels and aircraft, to export as personal baggage, accompanied and unaccompanied, the following classes of commodities:

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

*Provided,* That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; shall be in his possession at the time of or prior to his departure from the United States for a foreign country; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(2) *Definition of "accompanied" and "unaccompanied".* The provisions of general licence BAGGAGE are applicable to accompanied and unaccompanied personal baggage which is defined as follows:

(i) *Accompanied.* All commodities exported under this general license on the same carrier on which the passenger departs.

(ii) *Unaccompanied.* All other shipments of commodities under this general license. Unaccompanied shipments under this category shall be clearly marked "BAGGAGE". Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States.

(3) *Special provisions.* No more than 3 firearms and no more than 500 cartridges, subject to the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by the Department of State, may be exported under general license BAGGAGE.

(b) *Tools of trade general license.* A general license designated TOOLS OF TRADE is hereby established authorizing a person leaving the United States to export usual and reasonable kinds and quantities of implements, instruments, and tools of trade, occupation or employment, and their containers: *Provided,* That the above indicated tools of trade (1) shall include only such articles as are owned by such person; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

NOTE: *Validated license requirements.* Proposed exports of personal effects, household effects, vehicles, and tools of trade that are not authorized for export to the country of destination under general license BAGGAGE or general license TOOLS OF TRADE, or under any other general license, must be authorized by a validated license in accordance with § 372.1 (c) of this chapter.

(c) *Export declaration filing for authentication.* A shipper's export declaration must be filed in accordance with § 379.1 (b) of this chapter whenever a shipment is exported under general license BAGGAGE or general license TOOLS OF TRADE when shipped under a bill of lading.

NOTE: Section 379.1 (b) of this chapter also requires the filing of a shipper's export declaration for authentication whenever a shipment is exported under a validated license.

A shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) whenever a shipment is exported under general license BAGGAGE or general license TOOLS OF TRADE except when shipped under a bill of lading. As stated in § 371.2 (a), whenever the filing of a shipper's export declaration is not required by Parts 370 through 399 of this chapter of the Comprehensive Export Schedule or by the regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an oral declaration describing the commodity or commodities shall be made to a collector of customs at the port of exit.

*Export declaration filing with manifest.* Bureau of Customs regulations provide that whenever any commodities for which shipper's export declarations are required to be filed, are to be exported, the person in command of the exporting carrier, or the owner or agents thereof on his behalf, shall deliver to the collector of customs all authenticated shipper's export declarations presented to the exporting carrier for the purpose of facilitating or effecting the exportation of such commodities.

(d) *Customs authority to limit or prohibit shipments.* Collectors of customs shall limit or prohibit the export of any commodity or commodities under general license BAGGAGE or general license TOOLS OF TRADE whenever the kind or quantity is in excess of the limitations set forth in this section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

2. Section 371.12 *Dunnage GLD* is amended to read as follows:

§ 371.12 *Dunnage.* A general license designated GLD is hereby established, authorizing the exportation of usual and reasonable kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unlading in a foreign country and not exported under a bill of lading.

NOTE: *Validated license requirements.* Proposed exports of dunnage that are not authorized for export to the country of destination under general license GLD or under any other general license must be authorized by a validated license in accordance with § 372.1 (c) of this chapter.

*Export declaration filing for authentication.* A shipper's export declaration must be filed in accordance with § 379.1 (b) of this chapter whenever a validated license is required for the export of dunnage. The shipper's export declaration may be executed and filed by the person in command of the exporting carrier or the owner or agents thereof on his behalf. A shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) whenever a shipment is exported under general license GLD. (See § 371.2 (a).)

*Export declaration filing with manifest.* Bureau of Customs regulations provide that whenever any dunnage is to be exported for which shipper's export declarations are required to be filed, the person in command of the exporting carrier or the owner or agents thereof on his behalf, shall deliver to the collector of customs at the port of clearance all authenticated shipper's export declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such dunnage.

3. Section 371.13 *Ship and plane stores, supplies, and equipment,* is amended to read as follows:

§ 371.13 *Ship and plane stores, supplies and equipment; crew's effects*—(a) *Ship stores, supplies, and equipment general license.* A general license designated SHIP STORES is hereby established authorizing exportation on vessels of registry of any country departing from the United States, of usual and reasonable kinds and quantities of (1) bunker fuel, (2) deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements, (3) medicinal and surgical supplies, (4) food stores, (5) slop chest articles, and (6) saloon stores or supplies, for use or consumption on board during the outgoing and any immediate return voyage, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the vessel when necessary for proper operation of such vessel and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

(b) *United States and Canadian registered ships' stores, supplies and equipment general license.* A general license designated REGISTERED SHIP STORES is hereby established authorizing exportation of articles described in paragraph (a) of this section for use by or on a vessel of United States or Canadian registry located at other than a United States or Canadian port: *Provided,* That such articles are (1) shipped as cargo under a bill of lading on an exporting carrier of United States or Canadian registry; (2) in usual and reasonable kinds and quantities; (3) ordered by the person in command of the vessel to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel; (4) not intended for unlading in a foreign country except for transhipment and delivery to the vessel to which they are consigned; and (5) covered by such shipper's export declarations as are required to be filed by § 379.1 (b) of this chapter.

In addition, commodities may be exported to vessels of United States or Canadian registry located at a port other than a United States or Canadian port pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship are located.

(c) *Plane stores, supplies and equipment general license.* A general license designated PLANE STORES is hereby established authorizing the exportation in planes of registry of any country departing from the United States of usual and reasonable kinds and quantities of (1) fuel, (2) deck, engine, and steward department stores, provisions, and supplies, (3) medicinal and surgical supplies, (4) food stores, and (5) saloon stores or supplies, for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts when necessary for the proper operation of such planes, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

NOTE: The provisions of § 371.13 do not authorize the exportation of any equipment or spare parts for vessels of war or for aircraft which are licensed for export by the Department of State. (See § 370.5 of this chapter.) The provisions of this section relate only to those commodities under the export control authority of the Department of Commerce.

(d) *Crew's effects general license.* A general license designated CREW is hereby established, authorizing members of crews on exporting carriers to export among their effects usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, medicinal supplies, toilet articles, food, souvenirs, games, hand tools, and similar personal effects and their containers: *Provided,* That such commodities are (1) owned by such crew member; (2) are necessary and appropriate for his use or that of his immediate family; (3) are intended for his use or that of his immediate family; (4) are not intended for sale; and (5) are not exported under a bill of lading as cargo.

(e) *Exports to vessels located at foreign ports.* (1) When a vessel registered in a Group O country is located in a foreign port, ship stores, supplies, and equipment may be exported to it from the United States subject to the export control regulations set forth in Parts 370 through 399 of this chapter which are applicable to the commodities proposed to be exported and to the country in which such port is located.

(2) When a vessel registered in a Group R country is located in a foreign port, ship stores, supplies, and equipment may be exported to it from the United States subject to the export control regulations set forth in Parts 370 through 399 of this chapter which are applicable to the commodities proposed to be exported and to the country with which such vessel is registered.

NOTE: *Validated license requirements.* Proposed exports of all ship and plane stores, supplies and equipment, and all commodities to be exported by a crew member among his effects that are not authorized for export to the country of destination under general license SHIP STORES, REGISTERED SHIP STORES, PLANE STORES, or CREW, or are not authorized for export under any other general license must be authorized by a validated license in accordance with § 372.1 (c) of this chapter. Whenever a validated license is required for the export of ship

stores, supplies, and equipment, license applications shall be prepared as set forth in § 372.14.

*Export declaration filing for authentication.* Whenever a shipment is exported under general license SHIP STORES, PLANE STORES, or CREW, a shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) of this chapter. (See § 371.2 (a).) Whenever a validated license is required for the export of commodities, a shipper's export declaration must be filed in accordance with the provisions of § 379.1 (b). Insofar as ship and plane stores, supplies and equipment are concerned, the shipper's export declaration may be executed and filed by the master of the exporting vessel, the commander of the exporting plane, or the owner or agents of such vessel or plane.

*Export declaration filing with manifest.* Bureau of Customs regulations provide that whenever any commodities for which shipper's export declarations are required to be filed are to be exported, the person in command of the exporting carrier or the owner or agents thereof on his behalf, shall deliver to the collector of customs at the port of clearance all authenticated shipper's export declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such commodities.

4. Section 371.23 *Publications not containing technical data G–PUB* is hereby deleted.

5. Section 371.25 *Bottle and container closures GBC* is hereby deleted.

6. Section 371.26 *Gift parcels to enemy prisoners of war* is amended in the following particulars:

a. Paragraph (a) *General license* and (b) *General provisions* are amended by deleting therefrom the references to "Yugoslavia".

b. Paragraph (c) *Special provisions* is amended by deleting subparagraph (1) thereof *Gift parcels to prisoners of war in custody of Yugoslavia,* and by redesignating subparagraphs (2) and (3) thereof as subparagraphs (1) and (2), respectively.

This amendment shall become effective September 16, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 13, 1949.

LORING K. MACY,
*Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8013; Filed, Oct. 4, 1949; 8:50 a. m.]

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[4th Gen. Rev. of Export Regs., Amdt. 42]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 383—APPEALS

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Part 371, General Licenses, is amended in the following particulars:

Section 371.27 *General license G–UNO* is hereby deleted.



2. Part 372, Provisions for Individual and Other Validated Licenses, is amended in the following particulars:

Section 372.15 *Applications for licenses to export to South Korea, Japan, Marcus Island, and Germany* including the note following this section, is hereby deleted.

3. Part 373, Licensing Policies and Related Special Provisions, is amended in the following particulars:

a. Section 373.4 *Special provisions for tinplate* is hereby deleted.

b. Section 373.11 *Special provisions for nitrogenous fertilizer materials on which preference assistance is requested* is hereby deleted.

c. Section 373.20 *Special provisions for voluntary steel allocation plan for ECA countries* is hereby deleted.

4. Section 383.1 *General procedure for appeals* is amended in the following particulars:

In paragraph (f) *Preparation of appeals,* subparagraph (5) *Appeals from rejection of requests for export preference assistance* is hereby deleted.

5. Part 384, General Orders, is amended in the following particulars:

Section 384.4 *Export preference assistance,* including the note following this section, is hereby deleted.

This amendment shall become effective September 23, 1949, except as to Part 1 which shall become effective September 16, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 21, 1949.

LORING K. MACY,
*Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8016; Filed, Oct. 4, 1949; 8:51 a. m.]

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[4th Gen. Rev. of Export Regs., Amdt. 43]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

WEIGHT AND VOLUME TOLERANCE

Section 372.5 *Weight and volume tolerance* is amended in the following particulars:

1. Paragraph (a) *10 percent tolerance; excepted commodities* is amended by deleting from the list of commodities contained therein the entry "Radium and radium salts".

2. Paragraph (e) *Partial shipments* is amended to read as follows:

(e) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the license remains valid only for the unshipped balance of the licensed commodity plus 10 percent of such balance, except that in the case of shipments of iron and steel products (processing code STEE), tinplate (processing code TNPL), and of raw cotton except linters (pounds and bales) (processing code TEXT) the tolerance of 10 percent shall be applicable as provided in paragraph (c) of this section, regardless of whether partial shipments are made.

This amendment shall become effective September 23, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 21, 1949.

LORING K. MACY,
*Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8017; Filed, Oct. 4, 1949; 8:51 a. m.]

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[4th Gen. Rev. of Export Regs., Amdt. 44]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.23 *Special provisions for exports of rice to Cuba* is amended to read as follows:

§ 373.23 *Special provisions for exports of rice to Western Hemisphere countries*—(a) *Submission of applications.* All applications for licenses to export rice to Western Hemisphere countries [1] must be accompanied by the following documents and information:

(1) A copy of an irrevocable letter of credit or a copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee. Such copy must be officially signed by the issuing or advising bank. A photostatic copy of the original irrevocable letter of credit or original advice of irrevocable letter of credit will be accepted in lieu of the official signed copy.

(2) A statement from the applicant certifying the amount of the unused balance of the letter of credit, after deducting the amounts which have been applied against other licenses.

(3) A certification that the applicant holds accepted orders for the rice involved, as required by § 373.1 (b).

(b) *Validity period.* Licenses to export rice to Western Hemisphere countries will be issued for a 60-day validity period.

2. Section 372.8 *Issuance and use of export licenses* is amended in the following particulars:

In paragraph (c) *Validity of licenses* footnote [1] to the table Validity Periods of Licenses for Certain Commodities is amended to read as follows:

[1] Licenses to export rice to Western Hemisphere countries will be valid for 60 days only.

This amendment shall become effective September 23, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 21, 1949.

LORING K. MACY,
*Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8018; Filed, Oct. 4, 1949; 8:52 a. m.]

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[1] Western Hemisphere countries include all countries in North and South America as listed in Schedule C of the Bureau of the Census.

[4th Gen. Rev. of Export Regs., Amdt. 40]

PART 380—LICENSE CHANGES

MISCELLANEOUS AMENDMENTS

1. Section 380.2 *Amendments or alterations of licenses* is amended to read as follows:

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses.* No amendments or alterations of export licenses may be made except by the Department of Commerce or by collectors of customs or postmasters acting under specific instructions from the Department of Commerce.

(b) *Where to file.* Requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C., or with the Office of International Trade, 42 Broadway, New York 4, New York.

(c) *Procedure for submitting requests for amendments*—(1) *Number of copies.* Requests for amendments shall be submitted on Form IT–763, Request for and Notice of Amendment Action,[1] in triplicate. However, when such requests are filed with the New York office of the Office of International Trade, a fourth copy must be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required.* All numbered items shown on IT–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in answer to item 6.

Where the request for amendment involves a change in the purchaser or ultimate consignee on a license covering commodities for which evidence or certification of accepted orders must be submitted under the terms of § 373.1 (b) of this chapter, the licensee must also incorporate in his request for amendment such evidence or a certification that he holds an accepted order from the new purchaser or ultimate consignee. Such certification may be made on the back of Form IT–763 or on a sheet attached thereto.

Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully the circumstances which prevented shipment to the original country of destination, in item 6 of Form IT–763.

(ii) The address of the collector of customs with whom the license has been or will be deposited must be entered in item 7. If the exporter has not deposited his license with the collector at the intended port of exit, he must do so at the time of submitting his request for an amendment. However, if he does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT–763; in which case, the applicant shall enter the word "Unknown" in answer to item 7.

[1] Copies of Form IT–763 were filed as a part of the original with the Division of the Federal Register simultaneously with this amendment.

(iii) In completing item 8, "Amend license to read as follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, must be placed on the original and duplicate copies in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other individual so authorized, he must sign the request by entering the licensee's name and underneath his own signature prefixed by the word "By" and followed by his own title.

For example:

JOSEPH ALOYSIUS JONES,
BY HAMILTON NEWBOLD,
*Agent.*

(4) *Telegraphic requests.* Under conditions of extreme emergenmy, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be teletyped to the collector of customs. In such instances, the telegram must include the same information required to complete Form IT–763 and, in addition, full information as to the necessity for such type of service including deadline dates. If the request is submitted by mail on Form IT–763, but emergency clearance by teletype is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request.

NOTE: Requests for amendments by telephone or by letter will not be accepted.

LICENSES HELD BY COLLECTORS

*Amendment action by OIT, Washington, D. C.* On an approved request, the Office of International Trade will validate all copies of Form IT–763 by imprinting in the space headed "Validation" a fascsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation; the duplicate copy will be forwarded to the collector of customs designated in item 7 as the official notice of amendment; the triplicate copy will be returned to the applicant to advise him of the action taken. If the request is rejected, or returned without action, the reasons therefor will be indicated in the upper right-hand corner, and the duplicate and triplicate copies returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant, and in the case of approved requests by teletype to the collector of customs; copies of Form IT–763, if submitted by the applicant, then will be mailed in the usual manner and serve as confirmation of wire advices.

*Amendment action by OIT, New York Office.* On those requests which the New York office is authorized to approve, the four copies of Form IT–763 will be stamped with a facsimile signature if the request is approved. The original will then be forwarded to the Washington Office of International Trade; the duplicate to the New York collector; the triplicate to the individual named in item 5 of IT–763. On requests which are rejected, or returned without action, the duplicate and triplicate copies will be returned to the applicant.

LICENSES SENT TO THE OFFICE OF INTERNATIONAL TRADE

In those cases where the intended port of exit is unknown and the license accompanies Form IT–763, the Office of International Trade, on an approved request, will prepare a new license and forward it to the individual named in item 5 of Form IT–763. However, if the amendment requested is for an extension of validity period, such amendment will be made by typing a new expiration date on the face of the original license.

(d) *Price amendments*—(1) *Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

(2) *Necessary amendments to show price changes.* Export licenses must be amended to show any upward change in unit prices or total value on the license if the commodity covered by the license is at the time of export clearance subject to the general licensing policy set forth in § 373.1 of this chapter, except:

(i) Where the licensee avails himself of permissible weight and volume tolerances. In such cases, the total value for the commodity shown on the shipper's export declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased.

(ii) Where price increases can be justified before the collector of customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(iii) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

(3) *Price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total price under the following circumstances:

(i) Where the license covers an R commodity;

(ii) Where the license covers an RO commodity which at the time of export clearance is not subject to the general licensing policy set forth in § 373.1 of this chapter;

(iii) Where the change involves a reduction in prices:

*Provided,* That when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the shipper's export declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declarations.

NOTE: When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation and warehousing charges, etc., occurring between the date of validation of the license and the date of the export declaration may have the effect of reducing the physical quantity which may be exported.

This part of the amendment shall become effective September 16, 1949, except

as to paragraph (c) which shall become effective October 7, 1949.

2. Section 380.3 *Expired, revoked, and unused licenses* is amended in the following particulars:

Paragraph (a) *Requests for extension of licenses,* subparagraph (2) *Procedure in requesting extensions,* is amended to read as follows:

(2) *Procedure in requesting extensions.* Requests for extension of the validity period of licenses must be submitted in the same manner as provided in § 380.2; notification of the filing of such requests shall be given to the collector, if any, with whom the license has been deposited. Requests for extension shall be accompanied by the expiring license unless it has been filed with a collector of customs. Where the expiring license does not accompany the request for extension, the applicant shall type the word "Over" at the bottom of Form IT–763, and enter the following information on the back:

(i) Description of shipments made against license, if any;

(ii) Port from which shipment will be made;

(iii) If license has been previously extended, date of such extension.

The above information must also be included when request for extension is submitted by telegram in cases of extreme emergency as provided under § 380.2, paragraph (c), subparagraph (4).

This part of the amendment shall become effective October 7, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 13, 1949.

LORING K. MACY,
*Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8014; Filed, Oct. 4, 1949; 8:51 a. m.]

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[4th Gen. Rev. of Export Regs., Amdt. 41]

## PART 384—GENERAL ORDERS

### ORDERS MODIFYING VALIDITY OF EXPORT LICENSES

Section 384.3 *Orders modifying validity of export licenses* is amended in the following particulars:

Paragraph (b) *Cigarettes and tobacco products to Germany* is hereby deleted.

This amendment shall become effective September 16, 1949.

(Pub. Law 11, 81st Cong.; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 9, 1949.

W. S. THOMAS,
*Acting Assistant Director,*
*Office of International Trade.*

[F. R. Doc. 49–8015; Filed, Oct. 4, 1949; 8:51 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter IV—Joint Regulations of the Armed Forces

### Subchapter D—Military Renegotiation Regulations

[Amdt. 4]

## PART 427—MILITARY RENEGOTIATION FORMS

### FORMS RELATING TO AGREEMENTS AND CLEARANCES

Amendments and corrections to Part 427 of this subchapter are as follows:

1. Part 427 is amended by adding as a headnote immediately above § 427.701 the following: "Subpart A—Forms Relating to the Operation of Renegotiation."

2. Part 427 is further amended by adding immediately after the conclusion of § 427.708 the following headnotes: "Subpart B [Reserved]" and "Subpart C [Reserved]".

3. Part 427 is further amended by adding at the end thereof the following new subpart:

### SUBPART D—FORMS RELATING TO AGREEMENTS AND CLEARANCES

Sec.



AUTHORITY: §§ 427.740 to 427.742 issued under sec. 3 (f), Pub. Law 547, 80th Cong.; 62 Stat. 259, 50 U. S. C. App. Sup., 1193 (f).

§ 427.740 *Scope of subpart.* This subpart deals with the contents of a standard form of agreement which may be made between the contractor and the cognizant renegotiating agency at the conclusion of renegotiation proceedings (except in cases of issuance of a unilateral order); variations in this form of agreement which may be necessary in certain cases; the kind of financial data and information which this agreement should contain as a minimum; and the type of clearance notice which is given the contractor when it is determined by the cognizant renegotiating agency that no excessive profits have been realized by him during the fiscal year under review.

§ 427.741 *Agreements, variations and Exhibit A.*

§ 427.741–1 *Standard form of agreement.*

ARMED SERVICES RENEGOTIATION BOARD,
RENEGOTIATION DIVISION

RENEGOTIATION AGREEMENT

This agreement is entered into as of the ____th day of _____, 194____, by and between the UNITED STATES OF AMERICA (hereinafter referred to as "the Government") and _____ corporation organized and existing under the laws of the State of _____ having its principal office at _____ (hereinafter referred to as "the contractor").

ARTICLE 1. *Profits to be eliminated.* As a result of renegotiation pursuant to the Renegotiation Act of 1948, the Government and the Contractor hereby determine and agree that _____ Dollars ($_____) of the profits derived by the Contractor from contracts and subcontracts of the Contractor which are subject to renegotiation under the Renegotiation Act of 1948 (hereinafter referred to as "said contracts and subcontracts") represent the amount of profits received or accrued under said contracts and subcontracts during the Contractor's fiscal year ended _____, 194____ (hereinafter referred to as "said fiscal year"), which, pursuant to the Renegotiation Act of 1948, should be eliminated.

ART. 2. *Warranty.* This agreement has been entered into in reliance, among other things, upon the representations of the Contractor, including the financial and other data submitted by the Contractor upon the basis of which the statement set forth in Exhibit "A", annexed hereto and made a part hereof, was prepared. The Contractor warrants that the representations made by it to the Government in connection with this renegotiation are true and correct to the best knowledge, information and belief of the Contractor and that to its best knowledge, information and belief, the Contractor has disclosed all material facts required to make the Contractor's representations complete and not misleading.

ART. 3. *Tax credit under section 3806 of the Internal Revenue Code.* The Contractor represents that the profits, the amount of which is agreed in Article 1 hereof to be eliminated, were included in income in the Contractor's Federal income tax returns for said fiscal year and that the Contractor has applied or will promptly apply for a computation by the Bureau of Internal Revenue, based upon the assessments made to the date of such computation, of the amount by which the taxes of the Contractor for said fiscal year payable under Chapters 1, 2A, and 2D of the Internal Revenue Code are decreased by reason of the application of Section 3806 of the Internal Revenue Code. The amount, if any, so computed will be allowed as a credit against the amount of profits to be eliminated pursuant to Article 1 hereof.

ART. 4. *Terms of payment.* The Contractor agrees to pay to the Government the sum of _____ Dollars ($_____) being the amount determined in Article 1 hereof to be eliminated, as follows: _____

_____

Payment shall be made by check to the order of the Treasurer of the United States and forwarded to _____

_____

In the event of a default continuing for twenty days in the payment of any amount required to be paid under this agreement, all unpaid installments hereunder may at the option of the Government be declared, and thereupon shall become immediately due and payable. Interest at the rate of 6% per annum shall accrue and be payable upon each payment due under this agreement from and after the due date thereof, whether original or accelerated.

ART. 5. *Additional profits to be eliminated.* If, as a result of the elimination of the amount of profits determined pursuant to Article 1 hereof, the Contractor shall either receive a refund (whether by repayment or credit) or shall recognize a reduction in its liability or reserve (by giving effect thereto on its books) in respect of any item which was allowed as an item of cost in the determination of such profits, then promptly thereafter, the Contractor shall pay to the Government as additional profits which should be eliminated a sum equal to the amount of such refund or reduction in liability, by the delivery to _____

_____

of a check payable to the order of the Treasurer of the United States in such amount. In the elimination of said additional profits the Contractor shall be allowed the tax

credit, if any, provided by Section 3806 of the Internal Revenue Code.

ART. 6. *Covenant against contingent fees.* The Contractor warrants that it has not employed any person to solicit or secure this agreement upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul this agreement.

ART. 7. *Officials not to benefit.* No Member of or Delegate to Congress or Resident Commissioner or any other person in the employ or service of the United States shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

ART. 8. *Discharge of liability.* This agreement shall be final and conclusive according to its terms, and performance by the Contractor in accordance herewith shall be in full discharge of all liability of the Contractor under the Renegotiation Act of 1948 for excessive profits received or accrued under said contracts and subcontracts for the fiscal year covered hereby and, except upon a showing of fraud or malfeasance or a willful misrepresentation of a material fact, this agreement shall not, for the purposes of the Renegotiation Act of 1948, be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States, and this agreement and any determination made in accordance herewith shall not be annulled, modified, set aside, or disregarded in any suit, action or proceeding.

ART. 9. *Waiver of claims.* The Contractor waives any and all claims against the United States or a Contractor or Subcontractor which, if realized, would constitute income subject to renegotiation under the Renegotiation Act of 1948 for the fiscal year under review; however, this waiver shall not extend to or be deemed to include (1) claims reported for renegotiation and (2) claims for reimbursement for such costs as were not reported by Contractor in its renegotiation. In the event that the Contractor shall receive payment or credit for any claim waived under the provisions of this Article, then promptly thereafter, the Contractor shall pay to the Government as additional profits which should be eliminated, a sum equal to the amount of such payment or credit, by the delivery to _____ of a check payable to the order of the Treasurer of the United States in such amount. In the elimination of said additional profits, the Contractor shall be allowed the tax credit, if any, provided by Section 3806 of the Internal Revenue Code.

ART. 10. *Execution of agreement.* This agreement has been duly executed by or on behalf of the Contractor pursuant to proper authority and by or on behalf of the Government by the Chairman of the _____ Renegotiation Division of the Armed Services Renegotiation Board to whom authority to execute this agreement has been delegated by the Secretary of Defense pursuant to subsection (g) of the Renegotiation Act of 1948.

In witness whereof, the parties have executed this agreement in counterparts as of the day and year above written.

_____
(Name of Contractor)

[CORPORATE SEAL]

By _____
_____
(Title of Officer)

Attest:

_____
(Secretary

UNITED STATES OF AMERICA,

By _____
*Chairman, _____ Renegotiation Division, Armed Services Renegotiation Board.*

Each exhibit attached hereto is to be initialed for identification by the persons signing on behalf of the Contractor.

A duly certified copy of the resolution of the Board of Directors of the Contractor authorizing the execution and delivery of this agreement is to be attached hereto.

§ 427.741–2 *Variations in Article 3 of the standard form of agreement.* (a) If the contractor has not filed his Federal income tax return, or has filed the return but has not included in income as reported therein the profits to be eliminated, the following provisions should be used in lieu of the provisions of Article 3 as contained in the standard form of agreement:

ART. 3. *Tax credit under section 3806 of the Internal Revenue Code.* The amount of profits agreed in Article 1 hereof to be eliminated has not been included in income in the Contractor's Federal income tax return for said fiscal year and, accordingly, no tax credit under section 3806 of the Internal Revenue Code is allowed against the amount of such profits to be eliminated. In the event, however, that Federal income tax shall be assessed upon the amount of profits, or any part thereof, to be eliminated, pursuant to Article 1 hereof, there will be allowed to the Contractor the credit, if any, to which it is entitled under section 3806 of the Internal Revenue Code with respect to such profits.

(b) In some instances, a contractor will have included in income as reported in his tax returns less than all of the profits to be eliminated. In such case Article 3 should be modified to read as follows:

ART. 3. *Tax credit under section 3806 of the Internal Revenue Code.* The Contractor represents that of the profits agreed in Article 1 hereof to be eliminated $_____ were included in income in the Contractor's Federal income tax return for said fiscal year and that the Contractor has applied or will promptly apply for a computation by the Bureau of Internal Revenue, based upon the assessments made to the date of such computation, of the amount by which the taxes of the Contractor for said fiscal year payable under Chapters 1, 2A, and 2D of the Internal Revenue Code are decreased by reason of the application of section 3806 of the Internal Revenue Code. The amount, if any, so computed will be allowed as a credit against the amount of profits agreed in Article 1 to be eliminated. In the event, however, that Federal income shall be assessed upon the amount of the profits agreed in Article 1 hereof to be eliminated and which were excluded from income in the Contractor's income tax return for said fiscal year, there will be allowed to the Contractor the credit, if any, to which it is entitled under section 3806 of the Internal Revenue Code with respect to such profits.

(c) In the case of a partnership, the tax credit applicable against the amount of the profits to be eliminated is the aggregate of the credits to which each of the partners is entitled. Accordingly, in such a case Article 3 may be modified to read as follows:

ART. 3. *Tax credit under section 3806 of the Internal Revenue Code.* Each of the partners comprising the Contractor represents that his proportionate share of the profits, the amount of which is agreed in Article 1 hereof to be eliminated, was included in his income for his taxable year in which said fiscal year ended in computing his total tax in his Federal income tax return for said taxable year. Each of such partners has applied or will promptly apply for a computation by the Bureau of Internal Revenue, based upon the assessments made to the date of such computation, of the amount by which his taxes for such taxable year under Chapter 1 of the Internal Revenue Code are decreased by reason of the application of Section 3806 of the Internal Revenue Code. The aggregate of the amounts, if any, so computed will be allowed as a credit against the amount of profits agreed in Article 1 to be eliminated.

(d) Other variations of Article 3 may be necessary in certain cases.

§ 427.741–3 *Statement of profit and loss.* As stated in § 427.741–1, the standard form of agreement, entered into by the Government and the Contractor as a result of renegotiation of profits pursuant to the Renegotiation Act of 1948, contains a warranty (Article 2) as to the "reliance, among other things, upon the representations of the Contractor, including the financial and other data submitted by the Contractor upon the basis of which the statement set forth in Exhibit 'A' * * * was prepared."

The minimum content of Exhibit A, Statement of Profit and Loss, which is to be annexed to and made a part of the Standard Form of Agreement, is substantially as follows:

In the "Before Renegotiation" section of the Exhibit, there will be recorded amounts received or accrued and costs paid or incurred applicable to Renegotiable Business, to Nonrenegotiable Business and to Total Business. In the "After Renegotiation" section of the Exhibit, the classifications are Renegotiable Business and Total Business. Specifically, the following data are to be recorded in appropriate sections of the Exhibit:

1. Sales.
2. Cost of goods sold, selling and general expenses.
3. Operating profit.
4. Other applicable (expenses) or income, net.
5. Profit for renegotiation, before State income taxes.
6. Other income or deductions, net.
7. State taxes measured by income.
8. Profit after State income taxes.

The following items applicable to Total Business will be recorded in the section or sections indicated below:

9. State income taxes applicable to excessive profits (After Renegotiation).
10. Renegotiation adjustments, net (Before and After Renegotiation).
11. Net income before provisions for Federal income tax and reserves, etc., not reported for Federal income tax purposes (Before and After Renegotiation).

Items 12 through 16 will be recorded only in the Before Renegotiation section of the Exhibit:

12. Provision for Federal income tax.
13. Profit, before provision for reserves, etc., not reported for Federal income tax purposes.
14. Provision for reserves not reported for Federal income tax purposes.
15. Reconciling items.
16. Net Profit per Contractor.

In addition to the above statement, Exhibit A provides a Summary of Excessive Profits per § 423.389–2 of this chapter as follows:

| | |
|---|---|
| Tentative Determination | $---------- |
| Deduct: State and Municipal income taxes applicable to nonexcessive renegotiable profits, allowable as a cost | $---------- |
| Net Determination of Excessive Profits, before Federal Tax Credit | $---------- |
| Net Determination, before Federal Tax Credit, "rounded" | $---------- |

As provided in § 425.503 of this chapter, "* * * Additional financial data or information may be included in Exhibit A if deemed appropriate."

§ 427.742 *Clearance notice.* As stated in § 427.700, a clearance notice is given to the contractor when the cognizant renegotiating agency has determined that no excessive profits have been realized by him during the fiscal year under review. The notice is issued on the assumption that data submitted by the contractor is true and correct, but does not waive the right of the Government to withdraw the notice if, at some later time, it should appear that the data upon which the determination was made did not correctly reflect the renegotiable business for the period under review. The content of the Clearance Notice, which will be addressed to the Contractor and signed by the Chairman of the cognizant renegotiating agency, is as follows:

CLEARANCE NOTICE

Pursuant to the Renegotiation Act of 1948, an examination has been made of the financial and other data submitted by you in connection with your operations for the fiscal year ended _____. As a result of such examination, it has been determined that no excessive profits have been realized by you during said fiscal year. This determination was made upon the basis of data submitted by you which you represented to contain a true and correct statement of all amounts received or accrued and paid or incurred during said fiscal year with respect to all contracts and subcontracts which were subject to renegotiation pursuant to the Renegotiation Act of 1948. This instrument shall constitute the final action by the Government with respect to renegotiation for said fiscal year, subject, however, to the right of the Government to withdraw this notice if it should later appear that the data upon which said determination was made did not reflect correctly your renegotiable business for the period under review. In the event of such withdrawal, renegotiation will be conducted with you as if this document had never been issued.

Adopted: September 15, 1949.

FRANK L. ROBERTS,
*Chairman,*
*Military Renegotiation*
*Policy and Review Board.*

Approved: September 29, 1949.

LOUIS JOHNSON,
*Secretary of Defense.*

[F. R. Doc. 49-7998; Filed, Oct. 4, 1949; 8:48 a. m.]

## Chapter VII—Department of the Air Force

**Subchapter F—Organized Reserves**

PART 864—ENLISTED RESERVE CORPS

VOLUNTARY CALL TO ACTIVE DUTY

*Correction*

In Federal Register Document 49-7230, appearing at page 5525 of the issue for Thursday, September 8, 1949, the subchapter headnote is corrected to read as set forth above.

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR, Part 984 ]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES FOR MARKETING YEAR BEGINNING AUGUST 1, 1949

Pursuant to the authority vested in the Secretary of Agriculture by the provisions of § 984.7 (a) of the marketing agreement and order (7 CFR, Part 984) regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the Secretary of Agriculture is considering the approval of the budget of expenses of the Walnut Control Board (the administrative agency for operations under this regulatory program) in the sum of $62,560 for the marketing year beginning August 1, 1949. A proposed budget in this amount for the marketing year beginning August 1, 1949, has been recommended by the aforesaid Walnut Control Board, pursuant to a resolution adopted by said board at the duly called meeting in Los Angeles, California, on August 31, 1949.

It is anticipated that adequate funds will be provided to cover the proposed operational expenses by an assessment of one-tenth of a cent per pound of merchantable walnuts handled or certified for handling by handlers. This is the assessment rate for operational expenses prescribed by § 984.7 (b) of the marketing agreement and order in the absence of the fixing of a higher rate of assessment by the Secretary of Agriculture.

Prior to the final approval of the budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1949, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington, D. C., and which are received not later than 5:30 p. m., e. s. t., on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said 10th day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the said Director not later than 5:30 p. m., e. s. t., on the next following work day.

The proposed rule is as follows:

§ 984.301 *Budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1949.* Expenses in the amount of $62,560 are reasonable and are likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate, for the marketing year beginning August 1, 1949, and the incurring of expenses not in excess of that amount for the said marketing year is approved.

Done at Washington, D. C., this 30th day of September 1949.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Branch.*

[F. R. Doc. 49-8010; Filed, Oct. 4, 1949; 8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR, Part 3 ]

[Docket Nos. 8736, 8975, 8976 and 9175]

TELEVISION BROADCAST SERVICE

CONTENT OF COLUMBIA BROADCASTING SYSTEM, INC., COLOR TELEVISION DEMONSTRATIONS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules and regulations and engineering standards concerning the Television Broadcast Service, Docket No. 9175; Utilization of frequencies in the band 470 to 890 mcs. for television broadcasting, Docket No. 8976.

The Federal Communications Commission has previously announced that the color television system proposed in the above-entitled proceedings by Columbia Broadcasting System, Inc. will be demonstrated on the record on October 6 and 7, 1949, at the Carlton Hotel ballroom, Washington, D. C. The demonstrations will commence on October 6 at 10:00 a. m. and on October 7 at 1:00 p. m. As previously announced, admission will be by ticket only.[1] According to information supplied to the Commission by Columbia Broadcasting System, Inc., the schedule and content of the demonstrations will be as follows:

*October 6, 1949 demonstration.* This demonstration will begin at 10:00 a. m. and end at 5 p. m. On this day camera

[1] Space limitations make it necessary for the Commission to limit attendance to actual parties to the proceeding with priority to those in the color phase.

equipment, color television receivers, monochrome receivers and converted monochrome receivers will be demonstrated. The receivers to be demonstrated will include (1) four receivers receiving color only in 6 megacycle channel width, (2) one receiver for demonstration of 6 megacycle color versus wider channel color off-the-line, (3) one conventional black and white receiver converted for color reception, and (4) probably one combination color and black and white receiver.

The demonstration on October 6 will be divided into the following sections: (1) Introduction, (2) image brightness and flicker, (3) compatibility, (4) color break-up and fringing, (5) image registration and definition, including tests over the coaxial cable of 2.7 megacycles video bandwidth and over radio relay circuits of 4 megacycles video bandwith, (6) ghosts and noise, (7) color fidelity and camera light sensitivity. Each of the demonstrations will run for approximately 45 minutes.

In the above demonstrations, various program materials will be used including slides and test pattern, dancing, singing, juggling, fashions, near and far shots, different types of lighting and backgrounds.

*October 7, 1949 demonstration.* This demonstration will begin at 1:00 p.m. and at approximately 3:15 p. m.

The camera equipment will be located at a local high school football field. The television receivers will be located at the Hotel Carlton ballroom, and will be the same as on October 6, 1949.

Such of the foregoing demonstrations as time will permit will be conducted with the use of outdoor material picked up at the local high school football field.

Adopted: October 3, 1949.

Released: October 3, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 49-8042; Filed, Oct. 4, 1949; 8:57 a. m.]

# NOTICES

## SECURITIES AND EXCHANGE COMMISSION

PENNALUNA & CO.

ORDER REVOKING REGISTRATION AND EXPELLING FROM MEMBERSHIP IN NATIONAL SECURITIES EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1949.

In the matter of Richard K. Fudge and Victor Semenza, doing business as Pennaluna & Co., a partnership, Richard K. Fudge and Chester J. Howarth, 413 Sixth Street, Wallace, Idaho.

Proceedings having been instituted to determine whether the registration as a broker and dealer of Richard K. Fudge and Victor Semenza, doing business as Pennaluna & Company, a partnership, should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and to determine whether, pursuant to section 19 (a) (3) of the said act, Richard K. Fudge and Pennaluna & Company should be suspended or expelled from membership in the Spokane Stock Exchange, a national securities exchange, and whether, for purposes of future proceedings under the said act, Richard K. Fudge or Chester J. Howarth, or both, might be deemed a cause of any such order of revocation, suspension or expulsion;

A hearing having been held after appropriate notice, the hearing officer having filed a recommended decision, exceptions to the recommended decision having been filed, and the Commission having this day filed its findings and opinion; on the basis of said findings and opinion:

*It is ordered*, That the registration as a broker and dealer of the said Richard K. Fudge and Victor Semenza, doing business as Pennaluna & Company, a partnership, be, and it hereby is, revoked; and that the said Richard K. Fudge and Pennaluna & Company be, and they hereby are expelled from membership in the Spokane Stock Exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 49-7992; Filed, Oct. 4, 1949; 8:48 a. m.]

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[File No. 7-1115]

BENGUET CONSOLIDATED MINING CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1949.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, One Peso Par Value equivalent to $0.50, of Benguet Consolidated Mining Company.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York State Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is Southern California and Arizona; that out of 12,000,000 shares of this security outstanding, 315,256 shares are owned by shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 662 transactions involving 421,496 shares of this security from July 1, 1948 to July 1, 1949;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

*Accordingly it is ordered*, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, One Peso Par Value equivalent to $0.50, of Benguet Consolidated Mining Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 49-7993; Filed, Oct. 4, 1949; 8:48 a. m.]

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[File Nos. 70-1825, 70-2091, 70-2160, 70-2170]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of September A. D. 1949.

In the matter of New England Electric System, Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Eastern Massachusetts Electric Company, Gardner Electric Light Company, Gloucester Electric Company, Gloucester Gas Light Company, Granite State Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Northampton Electric Lighting Company, Quincy Electric Light and Power Company, Northern Berkshire Gas Company, Salem Gas Light Company, Southern Berkshire Power & Electric Company, Suburban Gas and Electric Company, Wachusett Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, File No. 70-1825; The Narragansett Electric

Company, File No. 70–2091; New England Power Company, New England Electric System, File No. 70–2160; Worcester County Electric Company, File No. 70–2170.

Attleboro Steam and Electric Company ("Attleboro"), Beverly Gas and Electric Company ("Beverly"), Granite State Electric Company ("Granite State"), Northampton Electric Lighting Company ("Northampton"), Salem Gas Light Company ("Salem Gas"), Worcester County Electric Company ("Worcester County") and Worcester Suburban Electric Company ("Worcester Suburban"), subsidiary companies of New England Electric System ("NEES"), a registered holding company, having filed applications pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act"), for exemption from section 6 (a) of the act of the issue and sale of $1,200,000 aggregate amount of additional promissory notes, payable May 31, 1951; and

Public hearings having been held on said applications, after appropriate notice, and the Commission having considered the record and having entered its memorandum opinion herein, and deeming it appropriate in the public interest and for the protection of investors and consumers, to grant said applications of said subsidiary companies and to grant a request of applicants that the Commission's order be effective upon issuance:

*It is ordered*, Pursuant to section 6 (b) of the act, that the applications, as amended, of Attleboro, Beverly, Granite State, Northampton, Salem Gas, Worcester County and Worcester Suburban for exemption from section 6 (a) of the act of the issue and sale of $50,000, $50,000, $100,000, $50,000, $50,000, $750,000 and $150,000, respectively, of additional promissory notes, payable May 31, 1951 be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–7991; Filed, Oct. 4, 1949; 8:47 a. m.]

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[File No. 813–12]

HBNS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1949.

Notice is hereby given that HBNS Corporation, an employees' security company, has filed an application, and amendments thereto, pursuant to section 6 (b) of the Investment Company Act of 1940, and Rule N-6B–1 thereunder, for an order pursuant to said section of said act exempting said corporation as an employees' security company from the provisions of the act.

The applicant is a New York Corporation and is alleged to be an employees' security company, organized by officers and employees of the Joseph Dixon Crucible Company, a New Jersey Corporation, for the purpose of acquiring and holding the capital stock of said company with the intention that all of the capital stock of the applicant shall be issued to and shall be held and continue to be held only by officers and employees of the Joseph Dixon Crucible Company and members of their immediate families.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after the 10th day of October 1949 unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may not later than the 10th day of October 1949 at 5:30 p. m. submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49–7990; Filed, Oct. 4, 1949; 8:47 a. m.]

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# CIVIL AERONAUTICS BOARD

[Docket No. 3271, et al.]

SERVICE TO SOCORRO, HOT SPRINGS, AND LAS CRUCES, N. MEX.

NOTICE OF ORAL ARGUMENT

In the matter of the investigation to determine the need for service to Socorro, Hot Springs, and Las Cruces, N. Mex., and certain applications for certificates or amendments of certificates of public convenience and necessity for service to the above points; Douglas, Ariz., and Lordsburg, N. Mex., and Raton, and Artesia, N. Mex.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on October 13, 1949, at 10:00 a. m. e. s. t. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., before the Board.

Dated at Washington, D. C., September 29, 1949.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 49–7979; Filed, Oct. 4, 1949; 8:45 a. m.]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 430 AND SMALL TRACT CLASSIFICATION NO. 13

SEPTEMBER 28, 1949.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372) and Departmental Order No. 2325 of May 24, 1947 (43 CFR, 4.275 (56), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, of July 19, 1948 (43 CFR, 50.451 (a) (56), (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described in the Anchorage, Alaska, land district, which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home, cabin and business sites:

PETERSBURG AREA

T. 58 S., R. 79 E., Copper River Meridian.
Sec. 26: Lots 1, 2, 3, 4 and 5.

The area described contains 119.93 acres.

The lands are located on Frederick Sound, about one mile from the main business district of Petersburg, and are accessible by an all-weather gravel road. The climate for the area is characterized by heavy rainfall, cool summers and mild winters. The area is not presently served by public utilities. It is expected that the town of Petersburg will extend water and electric service when there is a sufficient demand. An adequate water supply can be obtained by use of cisterns and wells. Commercial, medical, school and religious services are available at Petersburg, within a walking distance.

This order shall not become effective to change the status of such lands or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on November 2, 1949. At that time the lands shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from 10:00 a. m. on November 2, 1949, to close of business on January 30, 1950, inclusive to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and

confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advanced period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on October 13, 1949, or thereafter, up to and including 10:00 a. m. on November 2, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 31, 1950, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the Small Tract Act by the general public filed on January 11, 1950, or thereafter, up to and including 10:00 a. m. on January 31, 1950, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

All applications for the land, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than five years, at an annual rental of $5.00 for home and cabin sites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20.00 payable yearly in advance, the remainder, if any, to be paid within thirty days after each yearly anniversary of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts of approximately five acres, in compact units, in accordance with the classification maps on file in the District Land Office, Anchorage, Alaska.

The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, on each side of the tracts, or as shown on the classification maps on file in the District Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

All inquiries relating to these lands shall be addressed to the Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
*Regional Administrator.*

[F. R. Doc. 49-7980; Filed, Oct. 4, 1949; 8:45 a. m.]

## Bureau of Reclamation

[Public Notice 41]

### PAYETTE DIVISION, BOISE IRRIGATION PROJECT, IDAHO

#### OPENING OF PUBLIC LAND TO ENTRY AND ANNOUNCING THAT WATER WILL BE FURNISHED

Boise Irrigation Project, Idaho, Payette Division; public notice opening public land to entry and announcing that water will be furnished therefor.

#### LANDS COVERED

SECTION 1. *Lands for which water will be furnished.* Water will be furnished for the irrigation season of 1950 and thereafter until further notice on a rental basis for certain irrigable lands on the Payette Division of the Boise Irrigation Project, as shown on approved farm unit plats on file in the office of the Irrigation Manager, Bureau of Reclamation, Notus, Idaho; the District Manager, Bureau of Reclamation, Boise, Idaho, and in the District Land Office, Boise, Idaho.

Application may be made in accordance with this notice beginning at 2:00 p. m., October 5, 1949, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

PUBLIC LAND

*Boise Meridian, Idaho*

| Farm unit No. | Section | Farm unit | Description | Total irrigable acres |
|---|---|---|---|---|
| | | | *Township 4 North, Range 3 West* | |
| 1 | 2 | A | Lot 1, SE¼NE¼ | 69.5 |
| | | | *Township 5 North, Range 2 West* | |
| 2 | 18 | A | NE¼NW¼, Lot 1, Lot 2, SE¼NW¼ | 95.4 |
| 3 | 18 | B | Lot 3, Lot 4, SE¼SW¼, SW¼SE¼ | 138.0 |
| 4 | 18 | C | NE¼SE¼, NW¼SE¼, NE¼SW¼ | 100.6 |
| 5 | 29 | A | NE¼NW¼, NW¼NW¼ | 74.6 |
| 6 | 33 | A | NE¼SE¼, NW¼SE¼ | 64.2 |
| | | | *Township 5 North, Range 3 West* | |
| 7 | 3 | A | SW¼NE¼, NW¼SE¼, SW¼SE¼ | 88.0 |
| 8 | 3 | B | SE¼NW¼, NE¼SW¼, SE¼SW¼ | 98.1 |
| 9 | 4 | A | Lot 1, SE¼NE¼, NE¼SE¼, SE¼SE¼ | 132.9 |
| 10 | 5 | A | SW¼NE¼, SE¼NE¼ | 78.2 |
| 11 | 7 | C | SE¼NW¼, NE¼SW¼, SE¼SW¼, lot 4 | 117.0 |
| 12 | 7 | D | Lots 2 and 3 | 74.0 |
| 13 | 9 | A | SW¼NW¼, NW¼SW¼, SW¼SW¼ of section 9; SE¼NE¼ of section 8 | 129.9 |
| 14 | 10 | A | NW¼SW¼, SW¼SW¼ of section 10; NE¼NW¼ of section 15; NW¼NW¼ of section 15 | 128.4 |
| 15 | 11 | A | NE¼SW¼, NW¼SE¼ | 51.0 |
| 16 | 13 | A | NE¼NE¼, NW¼NE¼, SW¼NE¼ of section 13; SW¼SE¼ of section 12 | 104.4 |
| 17 | 13 | B | NW¼SE¼, NE¼SW¼, NW¼SW¼ | 106.5 |
| 18 | 13 | C | SW¼SE¼, SE¼SW¼, SW¼SW¼ | 99.4 |
| 19 | 17 | B | SW¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼ | 104.6 |
| 20 | 17 | C | SW¼NE¼, NW¼SE¼, SW¼SE¼, SE¼SW¼ | 138.0 |
| 21 | 17 | D | NE¼SE¼, SE¼SE¼ | 68.2 |
| 22 | 18 | B | NE¼SW¼, Lot 4, SE¼SW¼ of section 18; N½NE¼NW¼ of section 19 | 75.1 |
| 23 | 20 | A | NE¼NE¼, NW¼NE¼ | 69.1 |
| 24 | 21 | A | NE¼SE¼, SE¼SE¼ | 75.6 |
| 25 | 21 | B | NW¼SE¼, SW¼SE¼ | 56.2 |
| 26 | 24 | A | NW¼NE¼, SW¼NE¼, NW¼SE¼ | 101.4 |
| 27 | 24 | B | NE¼NW¼, NW¼NW¼, SE¼NW¼ | 83.2 |
| 28 | 25 | A | NE¼NW¼, NW¼NW¼, SW¼NW¼ | 93.5 |
| 29 | 26 | A | NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼ | 119.7 |
| 30 | 26 | B | NE¼SW¼, SE¼SW¼ | 69.6 |
| 31 | 26 | C | NE¼SE¼, NW¼SE¼, SW¼SE¼ | 84.8 |
| 32 | 29 | A | NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼ | 86.7 |
| 33 | 29 | B | NE¼SW¼, SE¼SW¼ of section 29; NE¼NW¼, NW¼NW¼ of section 32 | 126.1 |
| 34 | 30 | B | NE¼NE¼, NW¼NE¼, SE¼NE¼ | 74.8 |
| 35 | 32 | A | NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NE¼ | 105.3 |
| 36 | 33 | A | Tract A | 86.2 |
| 37 | 33 | B | Tract B | 88.6 |
| 38 | 34 | C | Tract C of section 33; NW¼SW¼, lot 4 of section 34 | 84.5 |
| 39 | 35 | A | SW¼NE¼, NW¼SE¼ | 60.9 |
| | | | *Township 5 North, Range 4 West* | |
| 40 | 1 | B | Lot 3, SE¼NW¼, NE¼SW¼, NW¼SW¼ | 97.0 |
| 41 | 13 | C | NE¼NE¼, SE¼NE¼, NE¼SE¼, Lot 1 | 78.1 |
| 42 | 24 | B | NE¼NE¼, NW¼NE¼, SW¼NE¼ | 60.0 |

PUBLIC LAND—Continued

*Boise Meridian, Idaho*—Continued

| Farm unit No. | Section | Farm unit | Description | Total irrigable acres |
|---|---|---|---|---|
| | | | *Township 6 North, Range 3 West* | |
| 43 | 19 | A | SW¼SE¼, SE¼SE¼ of section 19; NE¼NE¼, NW¼NE¼ of section 30 | 79.9 |
| 44 | 27 | A | SW¼SW¼, SE¼SW¼ of section 27 | 64.0 |
| 45 | 30 | B | SW¼NE¼, SE¼NE¼, NE¼SE¼, NW¼SE¼ | 89.4 |
| 46 | 32 | A | NE¼NE¼, SE¼NE¼, NE¼SE¼, SE¼SE¼ | 100.6 |
| 47 | 32 | B | NE¼NW¼, SE¼NW¼, NE¼SW¼, SE¼SW¼ | 88.7 |
| | | | *Township 6 North, Range 4 West* | |
| 48 | 12 | A | S½NW¼SW¼, SW¼SW¼, W½SE¼SW¼ of section 12; SE¼SE¼ of section 11; NE¼NW¼ of section 13 | 66.0 |
| 49 | 24 | A | SW¼SE¼, SE¼SE¼ of section 24; N½NW¼NE¼, N½NE¼NE¼ of section 25 | 74.9 |
| 50 | 25 | B | S½NW¼NE¼, S½NE¼NE¼, SW¼NE¼, SE¼NE¼, NE¼SE¼ | 87.8 |

ENTERED PUBLIC LAND FOR WHICH WATER WILL BE FURNISHED

PUBLIC LAND ADDED TO EXISTING ENTRIES

*Boise Meridian, Idaho*

| Section | Farm unit | Description | Total irrigable acres |
|---|---|---|---|
| | | *Township 5 North, Range 3 West* | |
| 19 | C | Lot 2 and lot 3 (Added to D. L. E. Blackfoot 041531, lot 1.) | 85.9 |
| | | *Township 6 North, Range 3 West* | |
| 29 | A | NW¼NW¼, NE¼SW¼ (Added to D. L. E. Blackfoot 041544, SE¼NW¼, NW¼SW¼.) | 75.8 |
| 34 | A | NE¼NW¼ (Added to D. L. E. Blackfoot 041523, NW¼NW¼.) | 59.0 |

*Desert entries, no public land added*

| | | | |
|---|---|---|---|
| | | *Township 5 North, Range 3 West* | |
| 10 | B | NE¼SE¼ of section 10; NW¼SW¼ of section 11. (D. L. E. Blackfoot 041463.) | 43.0 |
| 17 | A | NE¼NW¼, NW¼NW¼ of section 17; NE¼NE¼, SE¼NE¼ of section 18. (D. L. E. Boise 010722.) | 27.2 |

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS

SEC. 3. *Nature of preference.* Preference will be given to applicants as follows:

(a) *Preference rights of relinquishers of homestead and desert land entries.* Some of the farm units listed in section 1 are made up wholly or in part of land previously entered under the homestead or desert land laws and subsequently relinquished pursuant to a plan whereby the relinquishers hoped to obtain state patents under the Carey Act. All pending applications for the reinstatement of homestead and desert land entries embracing lands listed in section 1 of this notice are hereby finally rejected in their entirety. Proper notation of such rejection will be made upon the records of the Bureau of Land Management and of the District Land Office at Boise, Idaho. Persons who relinquished homestead and desert land entries which embraced public lands now included in the farm units listed in section 1 have no legal rights in such land by reason of their relinquishment. It is recognized, however, that they have claims which are entitled to equitable consideration and that such claims are superior to the preference right of veterans under the provision of the veterans preference law which expressly declares that veterans preference is subordinate to equitable claims subject to allowance and confirmation.

(b) *Preference rights of veterans of World War II.* The law provides that when public lands are opened to entry preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives, husbands, or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans preference are set forth in section 4 of this notice.

Therefore, applications for farm units on public lands covered by this notice will be given consideration in the order set forth in section 16 if submitted before January 3, 1950. In order to be eligible to receive farm units, all applicants, whether or not entitled to relinquishers or veterans preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to relinquishers or veterans preference.* The classes of persons who are entitled to relinquishers or veterans preference described in section 3 of this notice are as follows:

(a) *Persons entitled to relinquishers preference.* The relinquishers preference will be given to:

(1) Persons who have entered land listed in section 1 of this notice under the homestead or desert land laws and have subsequently relinquished their entries for the purpose of acquiring state patents under the Carey Act.

(2) Assignees of desert land entries under valid assignments made pursuant to law, if such assignments were made before the filing of a relinquishment of such entries (so that the assignees and not the assignors filed the relinquishments for the purpose of acquiring state patents under the Carey Act).

The preference will be given to all persons described in (1) and (2) above who filed relinquishments of homestead or desert land entries and who file application pursuant to this notice. The relinquishers preference will not be given to: (1) Heirs, surviving spouses, descendants, or successors of the original homestead or desert land entrymen, and (2) assignees or transferees of any kind whose status was acquired subsequent to reinquishment of the homestead or desert land entries.

(b) *Persons entitled to veterans preference.* The classes of persons who are entitled to the veterans preference described in section 3 of this notice are as follows:

(1) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days, at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(2) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard during the period described in subsection (b) (1) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

(3) The spouse of any person in either of the first two classes listed in this subsection, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provisions that a married woman must be head of a family.)

(4) The surviving spouse of any person in either of the first two classes listed in this subsection, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(5) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (b) (1) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

(b) Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 6. *Proof of preference status.* All applicants claiming preference shall submit proof of preference status as follows:

(a) *Proof of relinquishers status.* All applicants for farm units who claim relinquishers preference should so state in section 11 of their application blanks. It will not be necessary for such applicants to attach copies of documents which show either that they entered public land listed in section 1 of this notice or that they accepted assignments of such entries previous to relinquishment. (Do not submit deeds or contracts.) These facts will be established by checking the name given by the applicant with the records of the Bureau of Land Management. For this reason it is important that the name used in the application be the same as the name used at the time of the entry or assignment.

(b) *Proof of veterans status.* All applicants for farm units who claim veterans preference must attach to their applications a complete photostatic or other copy (both sides) of their certificate of honorable discharge, or of an official document of their respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining Board.* An examining board of three members, including the Irrigation Manager of the Payette Division of the Boise Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Boise Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancellation of award or cancellation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(d) *Capital.* An applicant must possess at least $3,500, consisting of cash or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation.

An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Prior to the issuance of a certificate of qualification, and not later than at the time of the personal interview, the applicant will be required to corroborate his statement of net worth by the statement of an officer of a bank or other responsible and reputable credit agency or by other proof satisfactory to the examining board.

SEC. 9. *References.* (a) An applicant shall list in section 12 of the farm application blank the names, occupations, positions, or titles and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agriculture Teacher; manager or agricultural representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references must be agricultural leaders or successful farmers who own and operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

(b) The applicant shall also be responsible for furnishing to at least three of the five persons listed in section 12 of the farm application blank the reference forms provided with this notice and for the return by these persons to the board of three complete, signed statements. At least one of these three statements must be prepared and signed by one of the agricultural leaders listed in subsection (a) of this section. Each of the other two statements shall be prepared and signed by either an agricultural leader or a successful farmer.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns land in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All appli-

cants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States.

(b) Must not have exhausted the right to make homestead entry on public land.

(c) Must not own more than 160 acres of land in the United States.

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of the family. Any applicant who is required to be the head of a family must submit with the application evidence of such status which is satisfactory to the board. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, Notus, Idaho; the District Manager, Bureau of Reclamation, 214 Broadway, Boise, Idaho; the Regional Director, Bureau of Reclamation, Post Office Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and supporting evidence.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Irrigation Manager, Bureau of Reclamation, Notus, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by:

(a) Proof of veterans status if veterans preference is claimed. (See subsection 6 (b) of this notice.)

(b) Statement of examining physician, in case of disability. (See subsection 8 (c) of this notice.)

(c) Evidence of citizenship or of declared intention if applicant is not native-born. (See subsection 11 (a) of this notice.)

(d) Evidence of status as head of a family if applicant is a married woman or a non-veteran under the age of 21. (See subsection 11 (d) of this notice.)

The applicant must also see that three of his references submit complete signed statements of his qualifications. (See subsection 9 (b) of this notice.)

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior and cannot be returned to the applicant. For this reason, deeds, contracts, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm his discharge papers will be attached to his certificate of eligibility (see section 22 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *Relinquishers preference group.* All complete applications filed prior to 2:00 p. m., January 3, 1950, from applicants whose claim to relinquishers preference is established by records of the Bureau of Land Management. Each such application will be regarded as an application for one farm unit embracing land included in the applicant's former entry, and it will not be necessary for the applicant to designate a specific farm unit in his application blank.

(b) *Veterans preference group.* All complete applications filed prior to 2:00 p. m., January 3, 1950, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(c) *Non-preference group.* All complete applications filed prior to 2:00 p. m., January 3, 1950, and which do not claim either relinquishers or veterans preference, or for which the records do not establish eligibility for relinquishers preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

(d) *Final group.* All complete applications filed after 2:00 p. m., January 3, 1950, whether or not accompanied by claim of relinquishers preference or proof of veterans preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine preference groups, right of appeal*—(a) *Relinquishers preference group.* Each application received from an applicant who claims relinquishers preference will be examined for the purpose of ascertaining (1) that the application is complete and (2) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished. If such examination shows that the application is complete, the application will be submitted to a further check with the records of the Bureau of Land Management for the purpose of ascertaining whether the applicant is entitled to relinquishers preference. If such check establishes that the applicant is so entitled, the application will be subjected to final examination. Any incomplete application or any application not accompanied by the required corroborating evidence shall be rejected. Any applicant who claims relinquishers preference but whose claim is not substantiated by the records of the Bureau of Land Management shall be placed in the non-preference group.

(b) *Veterans preference group.* Each application received from an applicant who claims veterans preference will be examined for the purpose of ascertaining (1) that the application is complete; (2) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished, and (3) that the applicant's right to veterans preference has been fully established. Any incomplete application or any application not accompanied by the required corroborating evidence shall be rejected. Any application received from an applicant without veterans preference or from an applicant who claims veterans preference but fails to establish proof of eligibility for such preference shall be placed in the non-preference group.

In case of rejection or placement in the non-preference group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the Irrigation Manager, Bureau of Reclamation, Notus, Idaho, within 15 days of the applicant's receipt of such notice, or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Irrigation Manager will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board. If the applicant is entitled to relinquishers preference, the board will proceed with the final examination; if the applicant is entitled to veterans preference, the board will include the name of the applicant in the drawing. All decisions on appeal will be based exclusively on information obtained before rejection of the application or placement in the non-preference group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decisions on all appeals, the board will conduct a public drawing of the names of the applicants in the veterans preference group, as defined in subsection 16 (b) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing

the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Final examination.* The board shall examine all applications in which relinquishers preference has been established. Likewise, the board shall examine in the order drawn, a sufficient number of applications in which veterans preference has been established to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in subsection 8 (d) of this notice, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in section 10 of this notice. A certificate of qualification will not be issued to an applicant who owns more than 160 acres of land in the United States. Therefore, an applicant may be required by the examining board, prior to the issuance of a certificate of qualification, to submit evidence satisfactory to the board that he does not own more than 160 acres.

An applicant may be required to appear for a personal interview with the board for the purpose of: (a) affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit, and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a successful applicant and shall be given an opportunity to select one of the farm units then available. If the board finds that an applicant's qualifications do not meet the requirements prescribed in this notice, or if he fails to supply the corroborating evidence, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification, the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

SELECTION OF FARM UNITS

SEC. 20. *Order of selection.* Each of the successful applicants who are entitled to relinquishers preference shall be given an opportunity to select one farm unit embracing land previously included in his homestead or desert land entry. If a farm unit embraces land within the relinquished entries of more than one such successful applicant, a preference in selection will be given to the applicant who relinquished the greater area in that unit.

After all successful relinquishers preference applicants have had an opportunity to select a farm unit, the remainder of the farm units listed in section 1 of this notice shall be available for selection by qualified veterans.

Veterans who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by successful applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the veterans preference group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the veterans preference group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the non-preference group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the successful applicants from the veterans preference group.

Any farm units remaining unselected after all qualified applicants in the non-preference group have had an opportunity to select a farm unit will be offered to applicants in the final group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

In the event, however, that a farm unit remains unentered at the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the expiration of the two-year period and who meets the qualification prescribed by the notice, without regard to veterans preference.

SEC. 21. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 22. *Issuance of certificate and filing homestead application.* After each successful applicant has advised the board of his selection of a farm unit, the Irrigation Manager, acting as the secretary of the examining board, will furnish each such applicant, by registered mail, unless delivery is made in person, a certificate, stating that the applicant's qualifications to enter public land have been examined and approved by the board. Such certificate must be attached by the applicant to his homestead application when the application is filed at the District Land Office. Such homestead applications must be filed at the District Land Office, Federal Building, Boise, Idaho, within 15 days from the date of the receipt by the applicant of the certificate of qualification. Failure to make application for homestead entry within the period specified herein will render the application subject to rejection.

GENERAL PROVISIONS

SEC. 23. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 24. *Obligations imposed upon entrymen by the district contract of October 3, 1927*—(a) *Repayment obligations.* The lands covered by this notice are included in the Black Canyon Irrigation District which has assumed, in the contract between said district and the United States, dated October 3, 1927, as amended, an obligation to pay to the United States the costs, within specified limits, of constructing the Payette Division of the Boise Project and the costs of the operation and maintenance of irrigation works which serve the district as long as the United States operates those works. The current estimate of the cost of constructing the Payette Division is two hundred twenty dollars ($220) per irrigable acre, which amount is required to be returned to the United States. Irrigation water is currently being furnished to the division on a rental basis. A further amendatory contract, to be negotiated in the near future, will specify a plan of repayment of construction costs that is considered fair and equitable to water users and within their ability to pay. The law at present requires that construction costs be repaid within a 40-year period, but consideration is being given to recommending to the Congress that a longer period be provided. A copy of the contract of October 3, 1927, and of the amendments and supplements thereto, and of the notice pursuant to which water is now being delivered, are available for inspection in the Irrigation Manager's office of the Bureau of Reclamation at Notus,

Idaho. When the construction costs of the Payette Division are finally determined the Secretary of the Interior will notify the district of the construction charges which must be paid by the district. Likewise, so long as this portion of the project is operated by the United States, the Secretary of the Interior will notify the district, each year, of the estimated cost of operation and maintenance of the irrigation works which serve the district. The district will distribute such costs among the district lands and levy assessments sufficient to pay them when due. When the district assumes responsibility for operation and maintenance of the irrigation works, the district will determine the amount of its operation and maintenance costs and collect them by means of assessments against district lands. Information regarding the district's assessment procedures and estimates of the amounts of the annual charges to be assessed by the district against the lands described in this notice may be obtained from the officers of the Black Canyon Irrigation District. The district office is located at Notus, Idaho.

(b) *Execution of individual contracts required.* Pursuant to the provision of Article 35 of the contract of October 3, 1927, applicants for entry of public land, for which water will be furnished pursuant to this notice, will be required to execute and deliver a recordable contract which is designed to prevent land speculation based upon the proposed construction of irrigation works. Such contract will provide that in case of a sale of project land, a portion of the sale price which exceeds the appraised value of the land shall be applied upon the construction charges against the land.

(c) *Water rental charges.* Until the construction costs of the Payette Division are announced and the payment of construction and operation and maintenance charges is commenced, irrigation water will be furnished to the lands listed in this notice upon payment of an annual water rental charge. For the irrigation season of 1950 (from April 1 to October 31), the minimum water rental charge shall be two dollars and ten cents ($2.10) per acre of land irrigated, except that full payment shall be required for an entire acreage of ten (10) acres even though water deliveries are made to a lesser area. Payment of the minimum charge will entitle the water-user to three (3) acre-feet of water per irrigable acre for the irrigation season. Additional water will be furnished upon request at ninety cents ($0.90) per acre-foot.

The minimum charge is payable annually by the water-user to the Black Canyon Irrigation District in advance of water deliveries. Payments for additional water deliveries must be made on or before December 20 of each year or the date announced in the annual notice of water rental charges.

In the event that a successful applicant desires irrigation water during the 1949 irrigation season, and the same is available, he may obtain deliveries by making application therefor and payment of the minimum charge specified above to the Black Canyon Irrigation District. The maximum water deliveries that may be obtained during the 1949 irrigation season are three (3) acre-feet per irrigable acre for which water service is requested. The minimum charge for water services shall not be less than the minimum charge for ten (10) acres.

Since the water rental charges are intended to reimburse the United States for the operation and maintenance of project works, they will be continued as operation and maintenance charges when payment of construction charges is commenced.

SEC. 25. *Reservation of rights-of-way for public roads.* Rights-of-way along section lines and other lines shown in red on the farm unit plats described in section 1 of this notice are reserved for county, state, and Federal highways and access roads to the farm units shown on said farm unit plats.

SEC. 26. *Reservation of rights-of-way for publicly owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 27. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 28. *Effect of relinquishment or cancellation.* In the event that any entry of public land made hereunder shall be relinquished by the entryman or cancelled for any cause, other than by contest, the farm unit affected by such relinquishment or cancellation shall be disposed of as follows:

(a) If the entry is relinquished or cancelled within two years after the date of the notice, such unit shall be offered without delay to the qualified applicant next in order of priority as established in the drawing who will be treated as a standing applicant therefor under the public notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of the notice. In the event that an award cannot be made to a qualified applicant, the unit shall be offered as prescribed in subsection (b) below.

(b) If an entry is relinquished or cancelled at any time after the expiration of two years following the date of the notice, unless the unit is withdrawn from the notice, new applications will be accepted in respect to the unit and it shall be awarded to the first applicant who files an application after the effective date of the relinquishment or cancellation and who meets the qualifications prescribed by the notice without regard to veterans preference.

NOTE: The reporting requirements of this public notice have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

J. A. KRUG,
*Secretary of the Interior.*

SEPTEMBER 14, 1949.

[F. R. Doc. 49-7981; Filed, Oct. 4, 1949; 8:45 a. m.]

## FEDERAL POWER COMMISSION

BRADDOCK LIGHT & POWER CO. INC.

NOTICE OF ORDER IMPROVING AND DIRECTING DISPOSITION OF AMOUNT CLASSIFIED IN ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 28, 1949, the Federal Power Commission issued its order entered September 27, 1949, approving and directing disposition of amount classified in Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 49-7989; Filed, Oct. 4, 1949; 8:47 a. m.]

[Docket No. G-1219, G-1228]

OHIO FUEL GAS CO. AND JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 28, 1949, the Federal Power Commission issued its findings and orders entered September 27, 1949, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 49-7982; Filed, Oct. 4, 1949; 8:46 a. m.]

[Docket No. ID-1101, ID-1119]

CHESTER N. CHUBB AND JOHN DERN

NOTICE OF AUTHORIZATIONS PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 29, 1949, the Federal Power Commission issued its orders entered September 27, 1949, in the above-designated matters, authorizing Applicants to hold certain positions in the Kansas City Power & Light Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 49-7983; Filed, Oct. 4, 1949; 8:46 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

ORDER POSTPONING HEARING

SEPTEMBER 29, 1949.

The South Carolina Public Service Authority, licensee for Project No. 199, has requested postponement of the public hearing set in Washington, D. C., for October 11, 1949, by our order dated June 8, 1949, upon the licensee's applications for exemption from payment of annual charges for the years 1942 through 1947 for the reason that counsel for the licensees will be engaged in the trial of court cases on the date set for hearing and during the next month following.

The Commission orders:

The hearing heretofore ordered to be held in this matter commencing October 11, 1949, is hereby postponed to December 5, 1949, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

Date of issuance: September 30, 1949.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7995; Filed, Oct. 4, 1949; 8:48 a. m.]

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[Projects Nos. 486, 597, 665, 671, 675, 696, 703, 713]

UTAH POWER & LIGHT CO.

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 28, 1949, the Federal Power Commission issued its order entered September 27, 1949, in the above-designated matters, granting request for withdrawal of application for modification of license.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7988; Filed, Oct. 4, 1949; 8:47 a. m.]

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[Project No. 1250]

CITY OF PASADENA, CALIFORNIA

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 29, 1949, the Federal Power Commission issued its order entered September 27, 1949, in the above-designated matter, granting partial exemption from payment of annual charges for the year ended December 31, 1948.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7984; Filed, Oct. 4, 1949; 8:46 a. m.]

[Project No. 1672]

GAYLE R. GREEN ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

SEPTEMBER 29, 1949.

In the matter of Gayle R. Green and Ruby M. Green and Plumas-Sierra Development Company.

Notice is hereby given that, on September 29, 1949, the Federal Power Commission issued its order entered September 27, 1949, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7985; Filed, Oct. 4, 1949; 8:46 a. m.]

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[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR) AND ALLOWING CREDIT FOR OVERPAYMENT OF CHARGES

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 28, 1949, the Federal Power Commission issued its order entered September 27, 1949, authorizing amendment of license (major) and allowing credit for overpayment of charges in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7986; Filed, Oct. 4, 1949; 8:46 a. m.]

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[Project No. 1862]

CITY OF TACOMA, WASH.

NOTICE OF ORDER DISMISSING APPLICATION FOR FURTHER EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

SEPTEMBER 29, 1949.

Notice is hereby given that, on September 29, 1949, the Federal Power Commission issued its order entered September 27, 1949, in the above-designated matter, dismissing application for further exemption from payment of annual charges for the calendar year 1948.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 49-7987; Filed, Oct. 4, 1949; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13814]

SHIZUYO HORIKAWA

In re: Bonds owned by Shizuyo Horikawa. F-39-433-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizuyo Horikawa, whose last known address is 3 chome Kami-machi, Fukuoka-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) United States Government Defense Savings Bonds, Series E, of $500 face value each, bearing the numbers D2327757E and D2327758E, both dated December 1942, registerd in the name of Mrs. Shizuyo Horikawa, % National Mortgage & Finance Company, Ltd., 1030 Smith Street, Honolulu, T. H., presently in the custody of said National Mortgage & Finance Company, Ltd., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49-8000; Filed, Oct. 4, 1949; 8:49 a. m.]

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[Vesting Order 204, Amdt.]

CAROLINE KRAUSE

In re: Real property owned by Caroline Krause.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and executive Order 9788, and pursuant to law, after investigation, Vesting Order 204, dated October 2, 1942, is hereby amended to read as follows:

It is hereby found:

1. That Caroline Krause, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Elgin, Kane County, Illinois, particularly described as the East one-third (⅓) of the North one-half (½) of Lot 5 in Block 19 of P. J. Kimball Jr.'s Third Addition to Elgin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 204, shall have and had the meanings prescribed in Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 49-7976; Filed, Oct. 3, 1949; 8:47 a. m.]

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[Vesting Order 13823]

ANTONIE AND KARL ZELLER

In re: Stock, bonds and liquidation trust units owned by Antonie Zeller and Karl Zeller. F-28-24024-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie Zeller and Karl Zeller, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with all declared and unpaid dividends thereon;

b. Those certain certificates of deposit described in Exhibit B attached hereto and by reference made a part hereof, presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto;

c. One (1) voting trust certificate, registered in the name of Pauline Zeller and bearing number 357, for ten (10) shares of no par value capital stock of 644 Cass Building Corporation, First National Bank Building, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said voting trust certificate being presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto;

d. One (1) voting trust certificate, registered in the name of Pauline S. Zeller and bearing number 271, for five (5) shares of no par value capital stock of Garden Court Apartments, Inc., 135 South La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said voting trust certificate being presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto;

e. One (1) scrip certificate, registered in the name of Pauline Zeller and bearing number 642, for thirty-five one-hundredths (35/100) share of $100 par value common capital stock of South Shore View Building Corporation, a corporation organized under the laws of the State of Illinois, said scrip certificate being presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto;

f. One (1) certificate, registered in the name of Pauline Zeller and bearing number 92, for ten (10) units of Parkcliffe Apartments Liquidation Trust (6910-14 North Ashland Avenue, Chicago, Illinois), of $100 face value each said certificate being presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto;

g. One (1) certificate, registered in the name of Pauline Zeller, Deceased, and bearing number 54, for fifteen (15) units of Volk Building Liquidation Trust (6967-69 Fullerton Avenue, Chicago, Illinois), of $100 face value each, said certificate being presently in the custody of Alphonse Zeller, 8153 South Kenwood Avenue, Chicago 19, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Antonie Zeller and Karl Zeller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

| Name and address of corporation | Description of stock | Number of shares | Certificate No. and registration |
|---|---|---|---|
| The Chicago Corp., a Delaware corporation, 135 South La Salle St., Chicago, Ill. | $1 par value common stock | 4 | CCO 54937 in name of Miss Pauline Zeller. |
| Lansing Hotel Corp., an Illinois corporation, 100 North La Salle St., Chicago, Ill. | No par value common stock | 12 | 730 in name of Pauline Zeller. |
| South Shore View Bldg. Corp., an Illinois corporation. | do | 10 | N. P. 635 in name of Pauline Zeller. |

EXHIBIT B

| Description of certificate of deposit | Name in which registered |
|---|---|
| Certificate of Deposit No. 191 for $500 First Mortgage Bond No. 196 of The Grennell Apartments. | Miss Pauline Zeller. |
| Certificate of Deposit for $500 Bond No. 56, and Sept. 15, 1933, and subsequent coupons, of Ardmore Apartments. | Estate of Pauline Zeller. |
| Certificate of Deposit for $500 Bond No. 183 of Pleasantview Apartments | Estate of Pauline Zeller, Deceased. |

[F. R. Doc. 49-7972; Filed, Oct. 3, 1949; 8:47 a. m.]

[Vesting Order 13818]

N. V. HANDELMAATSCHAPPIJ WARMOND

In re: Bank account and interest in bonds owned by N. V. Handelmaatschappij Warmond.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Scipio & Co., the last known address of which is Langenstrasse 98–99, Bremen, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That N. V. Handelmaatschappij Warmond is a corporation organized under the laws of the Netherlands, whose principal place of business is located at Rotterdam, Holland and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Scipio & Co. and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of an account entitled Sundries Account Insurable F. D. I. C. Federal Regulations for Account of N. V. Handel Maatschappij Warmond, Rotterdam, Netherlands, and any and all rights to demand, enforce and collect the same, and

b. An undivided one-half (½) interest in and to those certain North German Lloyd 4% bonds, of $55,000 face value and due November 1, 1947, which are presently in the possession of Oneonta Trading Corporation, Wenatchee, Washington, together with an undivided one-half interest in and to any and all rights under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Handelmaatschappij Warmond, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That N. V. Handelmaatschappij Warmond is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 12, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 49–7971; Filed, Oct. 3, 1949; 8:47 a. m.]

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PAULINE HANNI BARTON AND ROGER RANDOLPH HAYDEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Pauline Hanni Barton, formerly Barczinski, Richmond, Surrey, England, 5476; $1,265.36 in the Treasury of the United States.

Roger Randolph Hayden, formerly Hahn, Capetown, South Africa, 41529; $1,265.37 in the Treasury of the United States.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 49–8002; Filed, Oct. 4, 1949; 8:49 a. m.]

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DE DIRECTIE VAN DE STAATSMIJNEN IN LIMBURG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

De Directie van de Staatsmijnen in Limburg, 2, v. d. Maesenstraat, Heerlen, The Netherlands; 40977, 42124; Property described in Vesting Order No. 671 (8 F. R. 5004, Apr. 17, 1943), relating to United States Letters Patent Nos. 2,007,419 and 2,102,107. Property described in Vesting Order No. 291 (7 F. R. 9834, Nov. 26, 1942), relating to United States Patent Application Serial Nos. 419,788 (now United States Letters Patent No. 2,375,898) and 405,274.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 49–8004; Filed, Oct. 4, 1949; 8:49 a. m.]

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CHARLES J. KISH, JR.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Charles J. Kish, Jr., New Brunswick, New Jersey; 37791; $286.62 in the Treasury of the United States. All right, title and interest of Charles J. Kish, Jr., in and to the estate of Charles Kish, Sr., deceased.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 49–8005; Filed, Oct. 4, 1949; 8:49 a. m.]

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LUDWIG KOMMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Ludwig Kommer, Mexico City, Mexico, 36534; $4,760.04 in the Treasury of the United States. All right, title and interest of Ludwig Kommer in and to the estate of Rudolf Kaetchen Kommer, deceased.

Executed at Washington, D. C., on September 27, 1949.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 49–8006; Filed, Oct. 4, 1949; 8:49 a. m.]